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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial reports of States parties

THE KYRGYZ REPUBLIC*

* This document has not been edited.

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# INITIAL REPORT OF THE KYRGYZ REPUBLIC UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

## INTRODUCTION

1. The Kyrgyz Republic acceded to the Convention on the Elimination of All Forms of Discrimination against Women on 10 February 1997.

2. This report has been prepared on the basis of the general guidelines for the form and content of initial and periodic reports, in accordance with article 18, paragraph 1 (a), of the Convention. The report uses information from ministries and departments of the Kyrgyz Republic responsible for issues relating to the situation of individuals in the Kyrgyz Republic and the exercise of their rights and from social organizations concerned with human rights. The report gives a general outline of the situation of citizens, aliens and stateless persons in the Kyrgyz Republic, as related to contemporary social and economic processes and provides information, article by article, on measures taken by Kyrgyzstan to fulfil its obligations under the Convention, the progress made, problems encountered and measures planned for the further implementation of the Convention.

3. The report analyses the basic regulatory and legislative instruments of the Kyrgyz Republic. The "Annexes" reproduce the texts of statutory and other regulatory instruments and additional information pertinent to the subject of the report.

4. Efforts to ensure wide public dissemination of the material in the report were initiated as the report was being written. In accordance with Ordinance No. 218 of the Kyrgyz Republic of 27 June 1997, a special commission was established to write the report, comprising members of governmental and judicial bodies. The commission held a number of meetings and carried out consultations. The draft report was sent to all ministries, administrative departments and non-governmental organizations whose remarks and wishes were taken into account in the preparation of the final version.

## INTRODUCTORY SECTION

### A. LAND AND PEOPLE (GENERAL STATISTICS AND CHARACTERISTICS)

5. In the past seven years of its sovereign existence, the Kyrgyz Republic has shown the world that it is a unique ethnic and cultural component of human civilization pursuing its own path of development and has established its place as a democratic, peace-loving State. Accession to independence was not simply a mechanical transfer of power from one group to another, but a highly complex and ambiguous transition from one qualitative level to another. In this context, the fundamental shifts in people's consciousness and psychology were also complex phenomena: on the whole, the people have responded enthusiastically to the social, economic and political reforms carried out, and this is extremely important, since the people are the mainspring of the historical process and progress.

6. The Kyrgyz Republic covers an area of 199,000 square kilometres. It comprises six regions (oblasts), 41 districts, 20 cities, 29 settlements incorporated as towns and 422 rural administrations. Its capital is Bishkek (600,000 inhabitants).

7. The Kyrgyz Republic is located in the north-eastern region of Central Asia, between the Pamir-Altai mountains to the south-west and the Tien Shan mountains to the north-east. It has common borders with Kazakhstan, Tajikistan, Uzbekistan and China.

8. As of 1 January 1998, the total population was 4.7 million; the urban population numbered 1.6 million (34 per cent of the total) and the rural population, 3.1 million (66 per cent). There were 2.3 million men and 2.4 million women, 49 and 51 per cent, respectively, of the total population.

9. Age structure of the population. As of 1 January 1998, children and adolescents under 16 years of age numbered 1.8 million, or 39 per cent of the total population. Persons of working age (men between 16 and 59 and women between 16 and 54 years of age) accounted for 51 per cent of the population, while pensioners numbered 0.5 million (10 per cent). The average life expectancy was 62 years for men and 71 years for women.

10. The demographic situation is characterized by falling birth and crude death rates and a decline in migratory movement abroad. This is particularly evident in Bishkek and the Chu region, where the birth rate has fallen to 14.5 and 16.2, respectively.

11. The falling birth rate is attributable to the sharp deterioration in society's social and economic situation which, by reducing the level of family welfare, has adverse effects on reproductive behaviour.

The Government's policy to protect the population's reproductive health, in which special attention is given to maintaining optimum intervals between births, is resulting in a reduction in the number of children born to families, particularly those in the risk group.

12. The number of deaths in 1997 was approximately 35,000 (7.5 per 1,000), a decrease compared with 1996 (7.6 per 1,000). At the same time, there has been an increase in the number of deaths from diseases such as tuberculosis and ischemic heart disease that is linked to worsening living conditions.

A matter of special concern are the high (though stabilized) rates of maternal and infant mortality: the death of women during pregnancy, delivery and recovery and of infants in the first year of life. In 1997, deaths in these categories numbered over 80 women (81 per 100,000) and approximately 3,000 infants in the first year of life (28 per 1,000 births).

The principal causes of maternal mortality are renal, liver, cardiovascular and endocrine disorders and infectious diseases causing severe toxaemia accompanied by the development of multiple organ failure and postpartum haemorrhage, with fatal outcome. The main causes of infant mortality are respiratory disorders and perinatal complications.

13. External migration fell by a factor of 1.6 in 1997 compared with 1996, totalling 17,000 as against 12,000 in 1996.

14. As a result of such processes, Kyrgyzstan's population grew by 59,000 in 1997 (1.1 per cent) to total 4,666,000 on 1 January 1998.

15. Ethnic composition of the population: As of 1 January 1997, Kyrgyz were 60.8 per cent of the total population, Russians - 15.3 per cent, Uzbeks - 14.3 per cent, Ukrainians - 1.5 per cent, and there were some 80 other ethnic groups, including Germans, Tartars, Kazakhs, Koreans, Uigurs, Tajiks and Dungans.

16. Educational level of the population: In 1997, Kyrgyz citizens with higher and secondary (complete and incomplete) education numbered 872 per 1,000 of population aged 15 years and over. Of this number, 101 had complete higher education, 15 had incomplete higher education, 150 had specialized secondary education, 409 had general secondary education and 197 had incomplete secondary education.

17. The main indicator of a country's economic growth is the gross domestic product (GDP). In 1995, signs of economic stabilization could be seen in a slower rate of decline in GDP (94.6 per cent compared with the year before); in 1996, GDP actually grew (107.1 per cent). GDP for 1996 amounted to 23,399,300 soms (in 1996 prices), which was 44.9 per cent greater in nominal terms than the 1995 level and 13.2 per cent higher than the GDP forecast made in the indicative plan for the social and economic development of the Kyrgyz Republic for the period 1996 to 2000.

Nominal GDP for 1997 is estimated to have been 30,438,000 som, 10.4 per cent higher in real terms than the previous year.

18. In 1996, consumer price trends in respect of non-food items were marked by restraint in the population's effective demand. From the start of the year, the growth of non-food prices was significantly lower than the growth of food and service prices, totalling 120 per cent. In 1997, the growth of prices and

tariffs for remunerated services (145.8 per cent) far outstripped the growth of consumer goods prices (133.4 per cent). Over the year as a whole, prices for staple foods, the principal item in consumer expenditure, have greatly increased. The largest price increases in 1996 were for fruits and berries (240 per cent), eggs, meat and poultry (160 per cent) and dairy products, flour, pasta, bread and bakery products (120 to 140 per cent).

In 1997, a steady downward trend in the growth of consumer prices was observed. Prices rose on average by 14.8 per cent, with prices for food increasing by 17.4 per cent, for services by 15.4 per cent and for non-food items by 7.3 per cent. The greatest increases during this period have been for meat and poultry (160 per cent), sugar (120 per cent) and vegetable oil (130 per cent).

19. Of the remunerated services monitored in 1997, the greatest increases have been in the cost of preschool facilities (140 per cent). Housing costs rose by 25.8 per cent, transport services by 22.4 per cent and communications by 8.3 per cent.

In accordance with article 34 of the Kyrgyz Constitution, State public health care institutions offer guaranteed medical services free of charge. The Government has identified and approved categories and groups of the population entitled to receive medical care free of charge. In emergencies, however, paid services may be provided with the consent of the patient or of his or her next of kin.

20. During periods of social transformation, the population's standard of living drops. For most people, particularly the most vulnerable members of society, making payments becomes difficult and many social benefits become unaffordable.

With a view to regulating the provision of remunerated medical services, a draft law on the extra-budgetary activity of Kyrgyz health care institutions has been elaborated. It sets out a list of the remunerated medical services which may be offered to those able to pay for them. The Government is making provision for targeted funding to organize summertime health-building campaigns for children under 14 years of age. Trade unions subsidize permits for stays in health resorts, although a visit to existing facilities for health and recreation, sports and tourism remains a rarity for most people.

21. Public health is affected by the disturbed ecological balance in Kyrgyzstan, variously attributable to change in the Aral basin, nuclear testing in neighbouring States and the hazardous condition of subsurface ponds for radioactive tailings.

22. As of 1 January 1998, 54,600 citizens were officially registered as being unemployed. Women accounted for 58 per cent of the total.

23. Women comprise more than half (55 per cent) of the under-age unemployed and 60 per cent of unemployed people aged 16 to 29. Nearly 67 per cent of unemployed women are raising small children, and 19 per cent of them have five or more children.

## B. GENERAL POLITICAL STRUCTURE

### 1. Brief historical survey

24. In the third century B.C., the Kyrgyz tribes were the most culturally and economically advanced ethnic group in southern Siberia. In the fourth century B.C., a vast association of tribes resembling the barbarian kingdoms of Western Europe was formed under the leadership of the Kyrgyz. At the height of its power, this association covered the upper Enisei basin and all of southern Siberia, including Altai and Mongolia.

The supremacy of the Kyrgyz was short-lived. By the tenth century A.D., Kyrgyzstan was the core territory in the Qarakhanid state.

In the thirteenth century, an invasion by Mongols brought about fundamental political and economic changes. Ethnographic characteristics changed. Intermingling and assimilation of ethnic groups occurred.

The fifteenth century was marked by renewed feudal strife in the Mongol Empire; the Kyrgyz tribes began to consolidate into state-like federations.

Between 1850 and 1870, Kyrgyzstan became a subject of the Russian empire. Soviet power was established between November 1917 and June 1918. In 1924, 1926 and 1936, Kyrgyzstan went from the status of autonomous region to autonomous republic and finally to union republic.

The principal events of the period from 1936 to 1991 were victory in the Second World War, the "thaw" under Khruschev, "stagnation" under Brezhnev, the vacillations of perestroika under Gorbachev and the collapse of the totalitarian system.

25. Kyrgyzstan declared its independence on 31 August 1991. In the Declaration on the State independence of the Republic of Kyrgyzstan, the Supreme Soviet of the Republic of Kyrgyzstan solemnly proclaimed the country to be an independent sovereign State.

### 2. State structure, political system and form of government

26. Under the Constitution, the Kyrgyz Republic is a sovereign, unitary, democratic Republic and secular State founded on the rule of law.

The sovereignty of the Kyrgyz Republic is not limited and extends to all of its territory. The Kyrgyz people is the repository of sovereignty and the sole source of State power in the Kyrgyz Republic.

Only the elected Zhogorku Kenesh (Parliament) and the President of the Kyrgyz Republic are entitled to speak on behalf of the people of Kyrgyzstan. Amendments and additions to the Constitution, laws and other important issues in the life of the nation, may be put to a referendum.

In its form of government, Kyrgyzstan combines elements of a presidential and a parliamentary republic (presidential-parliamentary republic).

The President of the Kyrgyz Republic

27. The President of the Kyrgyz Republic is the Head of State, the highest official in the country, a symbol of national unity and the guarantor of the Constitution and of human and civil rights and freedoms. The Head of State determines the main lines of the State's domestic and foreign policy, represents the Kyrgyz Republic inside the country and in international relations, adopts measures to preserve the sovereignty and territorial integrity of the Kyrgyz Republic, safeguards the unity and continuity of State power and ensures the coordination and interaction of State organs and their accountability to the people.

The President of the Kyrgyz Republic is elected for a term of five years. The same person cannot be elected President for more than two consecutive terms. The Presidency must be held by a Kyrgyz citizen over 35 and under 65 years of age who speaks the national language and has been resident in the Republic for at least 15 years prior to nomination for the Presidency.

The legislative branch

28. The law on amendment and supplementing of the Kyrgyz Constitution of 17 February 1996, adopted by referendum on 10 February 1996, stipulates that legislative authority in the Kyrgyz Republic shall be exercised by the Zhogorku Kenesh (Parliament), a bicameral representative body comprising the Legislative Assembly, a standing body of 35 elected deputies representing the interests of the population as a whole; and the sessional Assembly of People's Representatives, with 70 elected deputies representing territorial interests.

Deputies of the Legislative Assembly and the Assembly of People's Representatives are elected for a term of five years.

The Legislative Assembly of the Zhogorku Kenesh is responsible for: amending and supplementing the Constitution in line with the prescribed constitutional procedure; enacting laws; giving official interpretations of the Constitution and of the laws which it itself has enacted; modifying the borders of the Kyrgyz Republic; and approving laws enacted by the Assembly of People's Representatives.

29. The Assembly of People's Representatives of the Zhogorku Kenesh is responsible for: amending and supplementing the Constitution of the Kyrgyz Republic; enacting laws in the cases provided for in the Constitution; approving laws enacted by the Legislative Assembly in the cases specified by the Constitution; giving official interpretations of the Constitution and of the laws which it itself has adopted; passing the budget and certifying the national accounts; and modifying the jurisdiction of municipal and military courts of the Kyrgyz Republic.

The executive branch

30. Article 69 of the Constitution stipulates that executive authority in the Kyrgyz Republic shall be exercised by the Government of the Kyrgyz Republic,

its subordinate ministries, State committees and administrative departments and the local State administration.

The Government of the Kyrgyz Republic is the country's highest executive organ. The Government is headed by the Prime Minister of the Kyrgyz Republic and consists of the Prime Minister, the Deputy Prime Ministers, other ministers and the chairmen of the State Committees of the Kyrgyz Republic.

The Prime Minister is appointed by the President of the Kyrgyz Republic with the consent of the Assembly of People's Representatives.

The Prime Minister determines the main lines of Government policy in accordance with the Constitution, laws and Presidential decrees. He organizes the work of the Government and is personally responsible for its performance.

The judiciary

31. Article 79 of the Constitution stipulates that justice in the Kyrgyz Republic shall be administered solely by the courts.

The following courts exist in the Kyrgyz Republic: the Constitutional Court, the Supreme Court, the High Court of Arbitration and local courts (regional courts, Bishkek city court, district and municipal courts, regional arbitration courts, Bishkek arbitration courts and military courts).

32. The Constitutional Court of the Kyrgyz Republic is the highest judicial organ for the protection of the Constitution. The Constitutional Court declares laws and other regulatory instruments unconstitutional in cases of discrepancy with the Constitution and settles disputes concerning the operation, application and interpretation of the Constitution. Decisions of the Constitutional Court are final and are not subject to appeal.

33. The Supreme Court of the Kyrgyz Republic is the highest judicial organ for civil, criminal and administrative proceedings. It supervises the legal activity of the regional, Bishkek city and district courts.

34. The High Court of Arbitration of the Kyrgyz Republic and the regional and Bishkek city arbitration courts form a single system of arbitration courts of the Kyrgyz Republic. Arbitration courts settle financial and management disputes between entities under various types of ownership. The High Court of Arbitration supervises the legal activity of the regional and Bishkek arbitration courts.

35. Decisions handed down by the Kyrgyz courts and having acquired legal force are binding upon all State organs, businesses, social organizations, officials and citizens and are subject to execution throughout the territory of Kyrgyzstan. Failure to execute judicial decisions which have acquired legal force or interference in the work of the courts entails liability as specified by law.

## C. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

36. Law enforcement agencies. The work of the law enforcement agencies is based on unconditional compliance with the laws of the Kyrgyz Republic and with international treaties on citizens' rights, freedoms and lawful interests. Law enforcement in the Kyrgyz Republic is carried out by special organs which include the Office of the Procurator, the Ministry of Internal Affairs and its subsidiary organs, the Ministry of National Security, the Ministry of Justice and lawyers.

37. The Office of the Procurator of the Kyrgyz Republic is a State body within the executive branch which verifies that legislative instruments are strictly and uniformly observed by local self-government bodies, ministries, State committees, administrative departments and other government organs, local State administrations, social organizations, officials, businesses, irrespective of their form of ownership, and citizens.

38. The Ministry of Internal Affairs is an armed State law enforcement body which performs executive and administrative functions connected with the maintenance of public order, the protection of personal and public safety and crime control.

39. The Ministry of Justice is the primary State administrative body for implementing the State's legal policy as regards the protection of the rights and lawful interests of citizens and legal persons, irrespective of their form of ownership.

40. The Ministry of National Security: National security organs are part of the executive branch and their mission is to prevent harm to the security of the Kyrgyz Republic; within the limits of the powers entrusted to them, they ensure personal, public and State security and expose, prevent and suppress espionage and subversion by foreign intelligence services and organizations.

41. Lawyers help to protect the rights and lawful interests of citizens and organizations; they facilitate the administration of justice and the observance and strengthening of the law. They mainly: advise on and elucidate legal matters; represent clients before the courts and other State organs in civil and administrative cases; and draft applications, appeals and other legal documents.

42. No one may be arrested or detained except as prescribed by the law. Any action that tends to attribute guilt for an offence before a verdict has been pronounced by a court is inadmissible and constitutes grounds for the award of material and moral damages to the aggrieved party through the intermediary of the courts.

43. The rules enshrined in the Constitution conform to the provisions of the Universal Declaration of Human Rights and the international covenants and other instruments in the field of human rights. Under national law, all Kyrgyz citizens are equally entitled to the protection of their rights and freedoms without distinction as to their national or social origin, sex, language, political or other opinions, religion, place of residence, property or any

other factors. Judicial protection of rights and freedoms is guaranteed: consequently, citizens are entitled to seek redress through the courts if they feel that their rights have been violated.

Special organs for human rights protection

44. In order to create effective machinery for the protection of human rights and to assist the President in exercising his constitutional powers as guarantor of human and civil rights and freedoms, a Human Rights Commission reporting to the President of the Kyrgyz Republic was set up by presidential decree on 5 July 1997.

The State Commission for the Family and Women, which reports to the Kyrgyz Government, was established in 1996. The Commission is involved in the implementation of priority measures to resolve the most pressing issues facing women and deals with their rights and freedoms.

A Commission for Minors has been established within the Kyrgyz Government. Similar bodies have been formed in the regions.

45. Organs to deal with the problems facing families, women and children operate at all levels in the Kyrgyz Republic. A Human Rights Committee and a Commission on Education, Women, the Family and Youth work within the Legislative Assembly of the Zhogorku Kenesh.

46. A great many non-governmental organizations (over 800) involved in the defence of human rights are currently active in Kyrgyzstan. Many of them provide the public with information about the rights and freedoms guaranteed under the Constitution and international human rights instruments.

47. For the purposes of drafting and submitting to the relevant United Nations bodies Kyrgyzstan's initial reports on legislative, administrative and other measures undertaken by the Government to fulfil international conventions on human rights, the Government issued an ordinance on 27 June 1997 establishing an interdepartmental commission entrusted with the preparation of national reports on Kyrgyzstan's compliance with human rights conventions.

Constitutional protection of civil and political rights

48. The basic law is the Constitution of the Kyrgyz Republic, adopted by the Zhogorku Kenesh in 1993, as amended and supplemented on 17 February 1996. It contains a special section outlining the rights and freedoms of the individual and the duties of citizens.

49. Article 16 of the Constitution recognizes and guarantees the fundamental human rights and freedoms in accordance with universally accepted principles and rules of international law and the inter-State treaties and agreements on human rights which have been ratified by the Kyrgyz Republic. Every person in the Kyrgyz Republic enjoys the rights to: life, physical and moral immunity; personal freedom and security; free development of the personality; freedom of religion, spiritual life and worship; free expression and dissemination of thoughts, ideas and opinions; freedom of literary, artistic, scientific and

technical self-expression; freedom of the press and of transmission and dissemination of information; freedom of movement and to choose one's abode place of residence anywhere in the territory of the Kyrgyz Republic; freedom travel abroad and to return without hindrance; freedom of association and of peaceful unarmed assembly, to hold rallies and demonstrations; inviolability the home; freedom and privacy of correspondence; dignity, freedom in private life and personal and family privacy; private postal, telephone and telegrap communications; the right to own property and to possess, use and administer at one's own discretion; economic freedom, free use of one's abilities and property for any type of economic activity; freedom of labour and free choic of one's occupation or profession.

The enumeration of rights and freedoms in the Constitution must not be interpreted as negating or diminishing other universally recognized human rights and freedoms.

50. On 12 January 1994, the Zhogorku Kenesh adopted a decision on accession the International Covenant on Civil and Political Rights and the Internation Covenant on Economic, Social and Cultural Rights which necessitated the adoption of a number of measures to create the legal machinery for implement the provisions of the Covenant. These measures include the enactment of new laws, the amendment of existing ones and the drafting of regulatory and normative instruments to govern the activities of State organs for the protection of civil and political rights.

51. The Constitution of the Kyrgyz Republic stipulates that inter-State treaties and other rules of international law ratified by the Kyrgyz Republi are an integral and directly applicable part of Kyrgyz law. The Kyrgyz Republic recognizes the principles and rules of international law and has signed international treaties and agreements on human rights, which are reflected in domestic legislation. All the necessary steps are being taken ensure that the law not only proclaims human rights but also protects them.

52. The content of the measures to implement international human rights treaties is set out in the pertinent sections of this report. Draft laws an framework documents which take account of State policy for the protection of civil and political rights have been elaborated.

53. One of the challenges in building a State based on the rule of law in t Kyrgyz Republic is to adopt legislative texts and measures for their application that take account of universally recognized standards in the fie of human rights. International human rights instruments are taken into acco in elaborating new legislation in Kyrgyzstan. Representatives of internatio and non-governmental organizations are enlisted as experts when new legislat is being drafted in Kyrgyzstan.

The legal reforms under way in Kyrgyzstan envisage the incorporation of inalienable human rights and the security and legal protection of individual in new Kyrgyz legislation.

54. The following new laws have been enacted in Kyrgyzstan on the basis of international human rights standards:

The Civil Code (Parts 1 and 2)

The Criminal Code

The Labour Code

The Consumer Protection Act.

55. Although the requirements of the Covenant, both in spirit and in content, have been met by the improvement of the overall statutory framework and the adoption of a number of laws and other legal instruments from 1994 to 1997, the system for ensuring the legal protection of citizens is still inadequate. The main reason is that the Kyrgyz Republic still lacks a uniform State policy for the integrated solution of all problems relating to human rights.

Human rights protection on the basis of international standards

56. Since gaining its sovereignty, the Kyrgyz Republic has acceded to 22 international human rights treaties within the framework of the United Nations and its specialized agencies:

1. The 1989 Convention on the Rights of the Child;

2. The International Covenant on Civil and Political Rights;

3. The International Covenant on Economic, Social and Cultural Rights;

4. The Optional Protocol to the International Covenant on Civil and Political Rights;

5. The International Labour Organization Convention concerning Migrant Workers;

6. The International Labour Organization Convention concerning Equality of Treatment of Nationals and Non-Nationals in Social Security;

7. The International Labour Organization Convention concerning the Establishment of an International System for the Maintenance of Rights in Social Security;

8. The Convention against Discrimination in Education;

9. The Convention and Protocol relating to the Status of Refugees;

10. The Convention of 18 December 1979 on the Elimination of All Forms of Discrimination against Women (entered into force on 3 September 1981);

11. The Convention of 20 December 1952 on the Political Rights of Women (entered into force on 7 July 1954);

12. The Convention of 7 November 1962 on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (entered into force on 9 December 1964);

13. The Convention of 29 January 1957 on the Nationality of Married Women (entered into force on 11 August 1958);

14. Convention No. 103 of 28 June 1952 concerning Maternity Protection (revised 1952) (entered into force on 7 September 1955);

15. The International Convention against Apartheid in Sports (entered into force on 10 December 1958);

16. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entered into force on 26 June 1987);

17. The Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others;

18. The International Convention on the Elimination of All Forms of Racial Discrimination (entered into force on 4 January 1969);

19. The Convention on the Prevention and Punishment of the Crime of Genocide (entered into force on 1 January 1961);

20. The Slavery Convention signed at Geneva on 25 September 1926 and the Protocol amending it (entered into force on 7 December 1953);

21. The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (entered into force on 30 April 1957);

22. The International Convention on the Suppression and Punishment of the Crime of Apartheid.

In addition, Kyrgyzstan is a party to human rights treaties within the framework of the Commonwealth of Independent States (CIS).

Information and publicity

57. Article 41 of the Constitution states that the publication of laws and other normative instruments concerning the rights, freedoms and duties of individuals and citizens shall be a mandatory condition of their application.

The Kyrgyz Government is endeavouring to raise public awareness on a number of matters relating to the human rights and freedoms guaranteed to citizens under the Constitution and the various international treaties, including the Covenant, to which Kyrgyzstan is a party.

58. Most of the work of disseminating information to the public on the principles and provisions of international human rights instruments is carried out by the Government, the Commission for the Family, Women and Youth, the

Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Education, Science and Culture, the Ministry of Health, the State Television and Radio Broadcasting Company, other ministries and administrative departments directly concerned and non-governmental organizations.

59. The International Committee of the Red Cross is financing the publication for a mass readership of a textbook entitled Chelovek i obshchestvo (The Individual and Society). In addition to providing essential educational material, it outlines the main concepts of international humanitarian law.

The texts of the international treaties ratified by the Kyrgyz Republic have been published in the Gazette of the Zhogorku Kenesh (Supreme Council).

The texts of all the conventions ratified have been translated into the official State language and the national languages of the Republic (including Russian and Uzbek).

A series of digests on human rights issues has been published in Kyrgyzstan and the compilations of international human rights instruments published by the United Nations have been widely disseminated.

Kyrgyz non-governmental organizations regularly publish newsletters concerning the human rights situation in Kyrgyzstan, for example Sredstva massovoi informatsii: zakonodatelstvo i praktika (The Mass Media: Law and Practice).

60. Human rights are taught in many universities and schools as part of the general education curriculum.

61. To enhance the skills of judges, the Kyrgyz judiciary is engaged in setting up an authority to teach local-court judges how to use modern office equipment, familiarize them with changes in the law, and so on. Efforts are envisaged to acquaint judges with the United Nations treaties ratified by Kyrgyzstan, specifically in the field of human rights.

62. To foster the implementation of the international human rights instruments that have been ratified, seminars are regularly held in Kyrgyzstan for representatives of State organs and of judicial bodies and members of the public. The following seminars may be cited:

- "International human rights standards and their domestic implementation", a seminar organized in Bishkek from 25 to 28 November 1996 by the International Commission of Jurists and the Constitutional Court of the Kyrgyz Republic, with the participation of members of the judiciary, lawyers, representatives of government bodies and non-governmental organizations;

- "Human rights: national institutions and mechanisms", a round table organized in Bishkek on 9 April 1997 by the Ministry of Foreign Affairs of Kyrgyzstan with the participation of representatives of the Organization for Security and Cooperation in Europe (OSCE), the Ombudsman of Poland, Kyrgyz government bodies and non-governmental organizations;

- "Journalism and the law", an international seminar held from 22 to 24 April 1997, organized by the Soros-Kyrgyzstan Foundation and the Kyrgyz-American Bureau on Human Rights and Rule of Law, with special emphasis on protection of the rights of journalists and freedom of the mass media;

- "The constitutional dimension of legal reforms and the legal system", a seminar in Bishkek from 17 to 18 June organized by the Council of Europe together with OSCE's Office for Democratic Institutions and Human Rights and the Kyrgyz Ministry of Foreign Affairs and Ministry of Justice;

- A workshop held in Bishkek from 13 to 15 October 1997 on the submission to human rights treaty bodies of State party reports and individual complaints. It was organized jointly by the Ministry for Foreign Affairs and the International Commission of Jurists and attended by representatives of the government bodies involved in the preparation of reports and of non-governmental organizations.

## Information relating to the implementation of articles 1 to 16 of the Convention

### Article 1

63. The Constitution of the Kyrgyz Republic (art. 15) prohibits discrimination against women in the political, economic, social, cultural and civil spheres.

It is well known, however, that hidden forms of discrimination against women exist in all States, and the Kyrgyz Republic is no exception.

64. Women make up 51 per cent of the population, numbering 2.3 million. According to information from the National Statistics Committee, from 1994 to 1997 the number of permanent residents of the Kyrgyz Republic, disaggregated by sex, was as follows:

| | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Total population | | | | |
| Men and women | 4 429.9 | 4 450.7 | 4 512.4 | 4 574.1 |
| Men | 2 184.6 | 2 193.7 | 2 226.6 | 2 258.2 |
| % of total | 49.3 | 49.3 | 49.3 | 49.4 |
| Women | 2 245.3 | 2 257.0 | 2 285.8 | 2 315 9 |
| % of total | 50.7 | 50.7 | 50.7 | 50.6 |

65. Women represent 58 per cent of the total number of persons officially registered as unemployed. There is a particularly acute shortage of jobs in rural areas.

Women's participation in decision-making in the Kyrgyz Republic has greatly decreased since Soviet times, though it remains fairly high according to international experts. Of the 105 deputies in the Zhogorku Kenesh (Parliament), only 4 (4.7 per cent) are women. At the regional level, 14 per cent of the deputies are women.

During privatization, the interests of women were not fully taken into account in the distribution of livestock, land, agricultural inputs and trading posts. According to statistics, 37.9 per cent of the privatized land is in the hands of women farmers, but they lack the necessary agricultural inputs and fertilizer to cultivate it. There are cases of women working with equipment that fails to meet safety standards, and heavy physical labour for women, both in industry and in agriculture, has not become a thing of the past.

Because of the collapse of the Soviet system of health care, education, culture and consumer services and the closure of plants in light industry (cut-backs in the purely feminine spheres of activity) relatively skilled women workers now have to take jobs for unskilled workers that endanger their health (the number of women in small- and medium-sized business, narcotics trafficking and prostitution has increased).

66. Urgent measures have been adopted by the President and the Government to cope with the dramatic decline in the situation of women during the transitional period and to acknowledge the rise of the women's movement.

By Presidential decree, 1996 was proclaimed Women's Year, and in March 1996 a State Committee of the Government of the Kyrgyz Republic for the Family, Women and Youth was set up.

67. The State Committee is called upon to carry out policy on the family, women and youth and to interact with ministries, administrative departments, local administrations and social organizations. As part of its activities, the Committee:

- elaborates and applies State and national programmes for gender equity in respect of the family, women and young people and for the overall advancement of young people;

- interacts with other organizations, groups and movements concerned with matters of the family, women and young people;

- cooperates with international organizations and movements which, in the territory of the Kyrgyz Republic, engage in activities relating to the family, women and young people;

- assists non-governmental organizations that work to benefit women and young people.

The State Committee's activities do not duplicate the efforts of social and cultural ministries and departments within the Government. The State Committee is divided into three sections: organization and methodology, information and analysis and young people's affairs. The staff of regional

administrations includes specialists on problems experienced by the family, women and young people, but for lack of financial resources, these posts are not remunerated and their incumbents work on a voluntary basis.

Regional Centres for Women's Initiatives were set up in all six regions of the Republic in 1997 on the initiative of the State Committee and with the support of UNDP in order to establish a vertical structure for effective regional resolution of women's problems. The Centres are registered with the Ministry of Justice as non-governmental organizations. They facilitate the regional implementation of the national programme "Ayalzat", promote interdepartmental interaction in the solution of the problems of women, the family and children, establish contacts with international organizations and assist in the work of women's non-governmental organizations, the communities, women entrepreneurs and farmers. Since their establishment, these regional Centres for Women's Initiatives have done good work, submitting yearly reports on their activities to the State Committee.

68. In 1996, the President approved the national programme "Ayalzat", modelled on the Beijing Platform for Action. The Government of the Kyrgyz Republic has adopted a comprehensive plan of measures to carry out the national programme in the years 1997 to 2000. The plan has 11 objectives:

1. Improvement of legislative and normative instruments;

2. Development of institutional mechanisms for the advancement of women;

3. Education and enhancement of functional literacy for women;

4. Protection of women's health. Reduction of maternal and infant mortality;

5. Women and the economy, overcoming poverty;

6. Women in power and decision-making at the political, legislative and executive levels;

7. Creation of special programmes to support the girl child;

8. Reduction of all forms of violence against women. Women and armed conflict;

9. Women and the media;

10. Women and the environment;

11. Women in rural areas.

The measures planned in each of these areas are divided into immediate- and long-term solutions to problems and the partners are indicated (ministries, departments, regional administrations, non-governmental organizations). The programme is not immutable, but is refined as the yearly plan is developed and immediate tasks carried out, taking into account not only the experience gained

with the plan itself but also the inputs of regional State administrations, ministries and departments and the views of non-governmental organizations for women and young people and of international organizations working for the advancement of women, the family and young people. The funding required for each measure is indicated during the elaboration of the yearly plan. The plan for the current year, 1998, was adjusted and new objectives relating to young people were added.

69. Against the backdrop of democratic transformation in Kyrgyzstan, activism in the women's movement was intensified. According to data from the Ministry of Justice, there are currently more than 70 women's non-governmental organizations, 20 of them in rural areas. They work on various issues but have a single goal: the advancement of women, children and the elderly, defence of the social rights of women and helping women adapt to the market economy.

The State Committee for the Family, Women and Youth has close ties with many women's non-governmental organizations and carries out activities in conjunction with them. The problems of women in rural areas are addressed through the regional Centres for Women's Initiatives.

Article 2

70. The Constitution of the Kyrgyz Republic guarantees equality of men and women and prohibits discrimination and violation of rights and freedoms on grounds of sex (art. 15, para. 3). Article 22 of the Constitution provides for the application of the laws on the rights of citizens equally to all citizens, with no privileges or preferences except those provided for by the Constitution and the legislation on social protection.

The Criminal Code sets out penalties for infringement of the equality of citizens on grounds of sex (art. 134).

The laws of the Kyrgyz Republic on the rights and interests of women are contained in the following instruments:

The Constitution of the Kyrgyz Republic;

The Labour Code;

The Family Code;

The Civil Code;

The Criminal Code;

The law on State financial assistance to families with children;

The law on protection of the health of the Kyrgyz people.

The Zhogorku Kenesh (Parliament) and the Government give special priority to the whole range of social legislation, among which particular attention is

given to international legal conventions. The Kyrgyz Republic has ratified five conventions on women.

In January 1996, the Zhogorku Kenesh ratified five international conventions on the elimination of discrimination against women:

- The Convention on the Elimination of All Forms of Discrimination against Women;

- The Convention on the Political Rights of Women;

- The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage;

- The Convention on the Nationality of Married Women;

- The Convention concerning Maternity Protection.

The State Committee for the Family, Women and Youth is carrying out a project on gender analysis of the legislation of the Kyrgyz Republic. Conferences have been held jointly with the "Diamond" association of jurists for gender analysis of the Family Code, the draft law on the media and the Labour Code. The results have been summarized and sent to the Zhogorku Kenesh.

71. In accordance with the resolution on the State Committee of the Government of the Kyrgyz Republic for the Family, Women and Youth, approved by executive decree No. 32 of 27 January 1997, the State Committee is an executive body established to implement the programme of the Kyrgyz Republic on the family, women and young people. The purposes and objectives of this body are set out in paragraph 67 of this report.

72. The Constitution of the Kyrgyz Republic (art. 15, para. 4) stipulates that the human rights and freedoms enumerated in the Constitution are valid in the Kyrgyz Republic. Such rights determine the meaning, content and application of the law, must be respected by the legislative and executive branches and local self-government and are guaranteed by the judicial system. In the practice of courts in the Kyrgyz Republic, there have been no complaints by women of discrimination against them.

73. From the legal standpoint, the work of women is protected by many regulations, norms and laws that prohibit the employment of women at night, in hazardous working conditions and in hard manual labour. Many norms established by law are in fact ignored and infringed at many private enterprises and firms, however.

Women were not given a fair share in the privatization of public property and allotment of land, owing to the disproportion of men and women in the country's occupational structure, women's limited access to technical and economic information and material assets and their inadequate personal financial resources. Few women became owners of enterprises, businesses, farms or private banks.

74. Under the national programme "Ayalzat", measures are being taken to cope with violence against women, including the following:

- government bodies, the media and social organizations are to carry out constant information campaigns to explain legislative measures designed to eliminate all forms of violence against women;

- government bodies, the media and social organizations are to promote efforts to combat factors that exacerbate violence against women: pornographic exhibitions, sex, violence, trafficking in women, incitement to prostitution, the decline in public morals;

- government bodies, the media and non-governmental organizations are to assess such practices as refusal to recruit pregnant women, forcible abortion and obstruction of free choice of abortion and use of contraceptives;

- local administrations, together with social organizations, are to create opportunities for the development of a broad network of hotlines;

- government bodies, with the involvement of foreign investment, are to establish rehabilitation centres for victims of all forms of violence;

- government bodies and the media are to promote public opposition to all forms of violence against women based on vestiges of the patriarchal communal structure (kalym, forcing women into de facto conjugal relations with persons under the age of legal consent, polygamy, etc.);

- the Government of the Kyrgyz Republic and social organizations are to promote the elimination of all forms of discrimination and the eradication of the root causes of son preference.

75. According to information from the Office of the Procurator, the Ministry of Justice and the Ministry of Internal Affairs, 450 to 500 crimes against women are reported every year.

The number of vicious crimes against women is rising: there is a growing incidence of gang rape and rape resulting in severe physical injury or death of the victim. Women are systematically subjected to assault and battery, humiliation and domestic violence, and their lives and personal dignity are less secure than those of men.

The situation of women in armed conflict and of women refugees and migrants remains critical.

Most crimes against women are concealed because the victims frequently refrain from going to the law enforcement agencies. Jurists and experts believe that the proportion of such crimes is on the increase and that they largely remain hidden.

Rape of women is a sad but indisputable fact borne out by sociological studies. There is currently no government institution in Kyrgyzstan able to provide effective assistance to victims of rape. Women who have suffered rape

remain essentially alone with their misfortune, and this has serious psychological consequences.

Two crisis centres structured like non-governmental organizations are operating in Bishkek.

(1) The "Chance" crisis centre, which provides psychological, medical and legal aid to women victims of rape, was set up on the basis of a project developed by the "Diamond" association with the financial support of an institute of humanitarian development in the Netherlands (Hivos). It opened in March 1997 and has a hot line. Victims are examined by a qualified medical practitioner free of charge and receive psychological counselling, psychotherapeutic and rehabilitative treatment and legal aid. The crisis centre works with students and provides instruction in the peaceful resolution of conflicts. The project envisages extensive involvement of State and social organizations in the prevention of rape and the defence of women's rights.

(2) The "Umut" crisis centre and shelter has been operating since April 1997. Rape victims can call a hot line and live for short periods in a shelter. They receive medical and psychological assistance free of charge. The address of the shelter is confidential. The staff consists of nine people. From April to December 1997, 94 women resided there for rehabilitation for varying lengths of time and 383 telephone calls were received. The study and treatment of rape is carried out and contacts have been established with five educational institutions, government bodies and women's non-governmental organizations. Financial support is given by State institutions and international organizations (Hivos, Adra and Kumtor Operating Company).

The legislation sets out heavy penalties for violence against women, creating strong guarantees of their personal inviolability. According to the Criminal Code (art. 129), rape, i.e. sexual intercourse involving physical force or the threat of its use against the victim or family members or involving the exploitation of the victim in a defenceless state, is punishable by imprisonment for five to eight years.

Rape committed repeatedly, by a prior offender, by a group acting in concert, with the threat of murder or severe physical injury, with particular cruelty to the victim or others, with the transmission to the victim of venereal disease, or knowingly upon a minor is punishable by imprisonment for 8 to 15 years.

Rape resulting through negligence in the death of the victim, transmission to the victim of HIV or other serious diseases, or committed by an organized group is punishable by imprisonment for 15 to 20 years.

Rape of a minor with particularly serious consequences is punishable by imprisonment for 17 to 20 years or by the death penalty.

In 1996, the prosecution branch investigated 293 criminal cases of rape of women, in which 408 persons were indicted, while State security investigators handled 17 criminal cases, in which 25 persons were indicted and brought to trial.

In 1997, investigators in the prosecution branch closed 286 criminal cases of rape of women, in which 374 persons were indicted and brought to trial, while State security investigators handled 15 cases, in which 37 persons were indicted and brought to trial.

The number of cases recorded was as follows:

| | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Rape and attempted rape | 400 | 335 | 362 | 321 |

According to the Criminal Code of the Kyrgyz Republic (art. 130), violent actions of a sexual nature such as lesbianism and other actions of a sexual nature involving the use of violence or the threat of its use or exploitation of the victim in a defenceless state are punishable by imprisonment for three to eight years.

The same actions, when committed repeatedly or by an individual who has already committed violent actions of a sexual nature, by a group, by a group acting in concert, with the threat of murder or severe physical injury, with particular cruelty to the victim, with the transmission to the victim of venereal disease, or knowingly upon a minor are punishable by imprisonment for 8 to 15 years.

Where such actions result, through negligence, in the death of the victim or cause severe physical injury, transmit to the victim HIV or other serious diseases, are committed knowingly upon a person under 14 years of age, or are committed by an organized group, they are punishable by imprisonment for 15 to 20 years.

Under the Criminal Code of the Kyrgyz Republic, rape includes sexual relations with women against their will (art. 109), sexual relations with persons under 16 years of age (art. 110) and corruption of minors (art. 111).

The following cases have been recorded in these categories of crime:

| | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Article 110 | 18 | 18 | 31 | 26 |
| Article 111 | 18 | 11 | 13 | 13 |

Article 3

76. Under the national programme "Ayalzat", the State Committee for the Family, Women and Youth carries out measures in such areas as the development of institutional machinery for the advancement of women, education and enhancement of functional literacy for women, women and the economy -

overcoming poverty and women in power and decision-making at the political, legislative and executive levels.

The programme for the education and enhancement of functional literacy for women proposes to improve women's understanding of economic and legal matters and to acquaint them with new computer techniques. Government policy must be aimed at promoting gender equality in education: study abroad, access to information and training of women as highly qualified personnel.

Private educational institutions and non-governmental organizations are engaged in improving functional literacy among women in the above-mentioned educational sectors and other fields to enable them to adapt to changing conditions.

Although the "Ayalzat" programme speaks of preserving quotas for the employment of women and of encouraging women to become entrepreneurs, in reality no appreciable progress has been made. "Shuttle" commerce, i.e. long trips for commercial purposes, is a widespread form of women's entrepreneurial activity. Although there are currently no statistics on women involved in "shuttle" commerce, simple observation shows that it is the occupation of most women of working age. This is an extremely difficult and dangerous job for women. About 10 of such endeavours are successful, one third fails and the rest achieve sporadic, marginal prosperity. Women's self-employment at home must be promoted, so that they do not leave their children and families for long periods and, most important, do not expose themselves to danger.

In June 1997 an agreement was signed between the Kyrgyz Trade Union Federation and a Danish educational centre for the development of an adult education programme, including a special course to teach women how to advance their rights and meet the challenges of the market economy in Kyrgyzstan.

The first seminar on women and trade unions, attended by Danish representatives and members of Kyrgyz trade unions, Kyrgyz women's organizations and the State Committee for the Family, Women and Youth, was held in September 1997 in Bishkek. The discussion centred on the role of women and their rights under the new economic conditions. Similar seminars will be held in 1998 in all regions.

By Presidential Decree No. 34 of 11 February 1998, the year 1998 was proclaimed the Year of Rural Development and Eradication of Poverty in the Kyrgyz Republic. The principal objectives of the measures set out in the national programme "Araket" for the eradication of poverty, 1998-2005, are:

- social support for severely impoverished women;

- creation of centres for retraining unemployed women;

- creation of jobs for women in State enterprises and social services;

- mobilization, for women in vulnerable social sectors, of various types of support from international banks, foundations and women's organizations - grants, small loans and humanitarian assistance;

- intensification and heightened organization of women's self-employment, with a large role to be played by non-governmental organizations able to serve as partners and intermediaries and by public education on the various types of economic activity in the market economy;

- participation of women in decision-making at the political, legislative and executive levels, necessitating the involvement of women in political activities, one of the best tools for achieving gender equality;

- proposal of legislation on the protection of women's rights and interests in accordance with international conventions and agreements;

- development and implementation by State and social organizations of programmes to train women for managerial roles in State and other administrative bodies;

- promotion by State and social organizations and the media of improvements in women's political skills and legal competences.

The above-mentioned measures are intended to bring the representation of Kyrgyz women at decision-making levels in government institutions up to 40 per cent by the year 2000.

Article 4

77. During the Soviet period, there were quotas for women in State administrative bodies. In the Supreme Soviet (Parliament), the proportion of women was 30 per cent. The question of whether to retain quotas for women in government bodies remains open at present. Public opinion is split: some think that quotas are necessary, because without them women will not be involved in decision-making and their status will therefore not improve, while others feel that women have enough political and economic competence to win high-level positions in competition with men.

78. The Labour Code of the Kyrgyz Republic, which entered into force in January 1998, prohibits the employment of women in hazardous working conditions, hard physical labour and subterranean work. The assignment of women with children under eight years of age to night work without their consent is prohibited.

Pregnant women may not be assigned to night or overtime work. They have the right to be transferred to lighter tasks while retaining their average earnings.

Under the Labour Code of the Kyrgyz Republic (sect. XV, art. 305), women are entitled to maternity leave of 70 calendar days prior to delivery and 56 calendar days after delivery (70 in the event of obstetrical complications or multiple births), with payment of benefits from the State social insurance scheme.

For women who work at high altitudes, the duration of maternity leave and of the payment of State social insurance benefits equivalent to full salary, irrespective of length of service, is as follows:

for normal births, 140 calendar days (70 before and 70 after delivery);

for obstetrical complications, 156 calendar days, and for multiple births, 180 calendar days, irrespective of the actual length of leave prior to delivery.

The law on the State pension insurance scheme provides for:

- the inclusion of time spent looking after a child in the time used for calculating pensions under the insurance scheme;

- supplementary unpaid leave for care of children under three years of age, such leave to be incorporated in the overall uninterrupted period of service;

- the pensioned retirement of women, after 20 years' service, at age 55;

- the pensioned early retirement of women with many children.

According to article 31 of the Employment Act, maternity allowances are paid to unemployed women by social welfare institutions out of the social insurance fund and in the amount established for unemployment benefits or allowances.

79. At an "Ayalzat" forum on the occasion of International Women's Day on 8 March, at which the results of Women's Year 1996 were summarized, the President of the Kyrgyz Republic, Askar Akayev, made a policy statement in which he listed some of the specific actions taken by the Government and depicted the overall situation of women in the Kyrgyz Republic. He pointed out that Kyrgyzstan had achieved positive results in many areas and that intensive efforts for the advancement of women must be pursued.

Article 5

80. Obstacles to the advancement of women in Kyrgyzstan include well-known stereotypes like the idea that high-level politics and managerial positions are for men, while women's domain is the family, especially the children, and the household; that if women work, it should not take up too much of their time. On the whole, women are motivated to seek high-level positions, but the most common situation is that men are in charge and their women assistants are writing all their speeches and reports for them.

81. In Kyrgyzstan, women are relatively emancipated compared with other countries of Central Asia because of the age-old tradition of nomadic life. Working alongside men gave Kyrgyz women the right to speak without veiling their faces, to live unsegregated from men in the home and to help in the hunt for provisions.

The next step must be to introduce topics in the curriculum and to issue schoolbooks that promote equality of rights and opportunities. Within the family, stereotypes of male privileges and "men's" and "women's" professions will have to be changed. A storm of scenes showing violence and sex has assailed the younger generation from television screens and from the pages of newspapers and periodicals. In developing school curricula, it is essential to take into account the national mentality and the differing levels of development of children in urban and rural areas.

The old Soviet notion that it is the parent's responsibility to give girls a higher education as an investment in their future has taken root in most Kyrgyz families. There is no discrimination in access to education. If a family attaches importance to it, then as a rule the parents create identical conditions for the child's education, irrespective of sex.

82. In order to deal with the contemporary problem of sexual harassment in the workplace, at school and elsewhere, on 25 January 1997, during the gender analysis of the draft Criminal Code of the Kyrgyz Republic, legal experts and specialists from women's non-governmental organizations submitted an expert opinion to the effect that a more specific definition should be given to the crimes covered in article 131, entitled "Compelling others to engage in acts of a sexual nature", by renaming the article "Sexual harassment at the workplace, at school and elsewhere", and that harsher penalties should be imposed for the crimes listed.

During the discussion and adoption of the draft Criminal Code by the Zhogorku Kenesh, however, that amendment was rejected.

83. In press reports on the problems of women in the transitional period, women are depicted as the social group having suffered the most from the economic reforms. On the other hand, women are now active participants in democratic transformations: in non-governmental organizations and small- and medium-scale businesses, they are resolving social problems and promoting self-employment. The local press no longer uses the image of women to disparage them.

Thus, in the press bulletins of the "Kabar" information agency, intended for foreign and domestic consumption, there is a great deal of up-to-date, penetrating and comprehensive reporting on women's concerns. A quick review of the main headlines makes this plain: "Women's Association of Kyrgyzstan advocates a non-nuclear world and ecological safety" (1 August 1996); "Leader of Kyrgyzstan's League of Muslim Women goes on politically motivated hunger strike" (14 October 1996), because the Women's Congress refused to hold a conference on her project; "Creation of an Association of Women Entrepreneurs in Kyrgyzstan" (20 April 1996); "Kyrgyzstan leads CIS in number of women's organizations" (7 March 1997); "Women and politics: Progress and prospects" (13 June 1997); "Regional conference for women begins in Kyrgyzstan. Dialogue among women - 1" (19 July 1997); "Women's conference on draft law on media begins in Kyrgyz capital" (20 June 1997); "Seminar on women draws to a close in Kyrgyzstan, topic: network of women journalists, past, present and future" (10 July 1997); "Second women's conference, women's non-governmental organizations. Dialogue among women - 2. Topic: combating inequality,

violence and poverty" (16 September 1997); "Kyrgyz women demand quotas for election of women to Parliament" (21 October 1997), etc.

Articles appear regularly in the press about the work of women's non-governmental organizations. For example, the press reported that in the past year, out of 100 business propositions submitted by Kyrgyz non-governmental organizations for a UNDP project on women in development, 10 have won grants totalling over $US 28,000. This UNDP project is for assistance to the Government of Kyrgyzstan in bringing women into the market economy, promoting the establishment of their own businesses, providing jobs to women and improving their living conditions, especially in rural areas where finding jobs is especially difficult.

Although it is prohibited by law, in practice one encounters situations when men have two or more wives. This is particularly common among the "new" Kyrgyz. Women accept this because of their economic dependence: they lack economic independence. Society is aware, but remains silent, believing that this a traditional practice.

84. Under the Criminal Code of the Kyrgyz Republic (art. 153), polygamy, i.e. cohabitation with two or more women in a common household, is punishable by imprisonment for up to two years.

The number of recorded cases is as follows:

| | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Article 153 | 2 | 4 | 1 | 3 |

85. Article 155 of the Criminal Code states that forcing a woman to marry or to continue in a marriage relationship, abducting a woman for marriage against her will or preventing a woman from marrying are punishable by a fine equivalent to 200 times the minimum monthly wage or by imprisonment for five years.

The number of cases recorded is as follows:

| | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Article 155 | 28 | 18 | 18 | 12 |

86. The Criminal Code provisions in force through 1 January 1998 set out penalties for payment of bride money (kalym), and in the earlier Criminal Code, payment or receipt of bride money was punishable under article 114. The new Criminal Code provides for no penalties for payment or receipt of bride money.

The number of cases recorded is as follows:

| | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Article 114 | 0 | 2 | 0 | 0 |

The legislation of the Kyrgyz Republic on marriage and the family provides for equality in the rights of man and wife to request a divorce from the civil registrar. The concept of renunciation of a wife does not exist either in practice or in the law.

87. According to the legislation of the Kyrgyz Republic (art. 74 of the Marriage and Family Code), the father and mother have equal rights and responsibilities with regard to their children.

It is difficult to define a typical Kyrgyz family in the transitional period. Families vary greatly depending upon the region, ethnic traditions and whether they live in urban or rural areas. The following types of family structure may be suggested:

- both husband and wife work and contribute equally to material wellbeing and the upbringing of children. In such circumstances the wife bears a double burden;

- only the husband works and provides for the family's wellbeing, while the wife does housework, raises the children and facilitates her husband's career;

- the wife engages in small- or medium-scale business and plays the provider's role; the husband does not work and sometimes helps the wife with her business and takes care of the children.

Adaptation to such conditions is especially hard for young women from traditional Kyrgyz families who have had to change their way of life owing to the workings of fate. Behavioural models inculcated in childhood go against real-life experience, and this partly accounts for the rising divorce rate. The traditional mode of life has been changing less rapidly in rural areas, making it all the more difficult for girls who move from village to town to adapt.

The struggle to overcome stereotypes based on traditional gender distinctions, a struggle necessitated by economic and social transformation, thus becomes something that works not for women, but against them. Government programmes must be aimed at providing moral support for the women of Kyrgyzstan in their new role, including that of enhancing the husband's status as the family's breadwinner, but this is possible only with real economic improvements.

The way responsibilities for raising children are allocated does not depend on whether the family resides in a rural or urban environment. The main reason behind involvement in child care is employment and who is the family's provider. In rural areas, women are primarily responsible for housework, household plots and the upbringing of children and are required to help their husband's parents in the home as well.

88. The national programme "Ayalzat", modelled on the Beijing Platform for Action, sets out 11 main objectives.

The State Committee for the Family, Women and Youth carries out measures targeting women and the media. These measures include the organization of media information campaigns in the field of human rights, with emphasis on the rights of women in accordance with United Nations conventions, and the provision of information on the situation of the family, women and young people. There are also plans to create a new image for Kyrgyz women in the media, culture and art through the establishment of an "Ayalzat" printing operation. A conference has been organized on gender analysis of the draft law on the media. At two meetings with the media, women's non-governmental organizations, the image of women in the media and the women's movement in Kyrgyzstan were discussed.

Article 6

89. With the transition to a market economy and the slow-down in certain branches of the economy, unemployment rises and the standard of living drops. Children and women are the most vulnerable population groups in times of economic instability.

Prostitution as a consequence of economic upheaval becomes a social problem in such times. Some women's non-governmental organizations advocate the legalization of prostitution.

The State is adopting economic, legal and other measures to eradicate phenomena like prostitution which, as efforts to combat it have shown, is an antisocial phenomenon directly linked to economic difficulties in the transitional period such as unemployment, lack of jobs, etc.

90. Kyrgyz legislation sets out penalties for incitement to prostitution and the establishment or operation of brothels. Under article 237 of the Criminal Code, the operation of brothels and procurement are criminal offences. The following statistics are available in connection with this article:

| Year | Total | Cases cleared up | Cases brought to court | Indictments |
|---|---|---|---|---|
| 1994 | 17 | 13 | 13 | 14 |
| 1995 | 18 | 15 | 11 | 12 |
| 1996 | 14 | 14 | 12 | 13 |
| 1997 | 8 | 8 | 6 | 5 |

In the 12 months from 1996 to 1998, the Bishkek special operations group of the Department of Internal Affairs brought 450 individuals to account, 80 per cent of them non-residents of Bishkek.

The Criminal Code (art. 260) provides that incitement to prostitution through the use of physical force or the threat of its use, blackmail, destruction of property or subterfuge are punishable by a fine equivalent to 100 to 200 times the minimum monthly wage or by imprisonment for up to three

years. The same acts, when carried out by an organized group, are punishable by a fine equivalent to 200 to 500 times the minimum monthly wage or by imprisonment for three to five years.

Article 261 of the Criminal Code makes the establishment or operation of brothels punishable by a fine equivalent to 200 to 500 times the minimum monthly wage or by imprisonment for two to five years, with confiscation of property. Under article 124, solicitation accompanied by subterfuge for purposes of sexual or other exploitation is punishable by a fine equivalent to 50 to 100 times the minimum monthly wage or by arrest for up to six months, with or without confiscation of property. The same actions committed:

1. Repeatedly;

2. by a group acting in concert;

3. knowingly upon a minor;

4. by an organized group;

5. for the purpose of leaving the territory of the Kyrgyz Republic with the persons concerned

are punishable by imprisonment for five to eight years with confiscation of property.

To the above must be added the existing punishment for criminal actions of a sexual nature with minors. These laws are described in article 132 of the Criminal Code, which explains that sexual relations, sodomy or lesbianism committed knowingly by individuals aged 18 years and over with individuals under 16 years of age are punishable by imprisonment for up to three years.

Under the legislation of the Kyrgyz Republic (art. 133 of the Criminal Code), depraved acts without the use of violence committed knowingly upon individuals under 14 years of age are punishable by a fine equivalent to 100 to 200 times the minimum monthly wage or imprisonment for up to three years.

91. The problem of tourism for the purposes of prostitution does exist, as illustrated by articles in the media concerning the travel abroad of young Kyrgyz girls (e.g. an article in the newspaper *Vecherny Bishkek* entitled "Export" and dated 7 February 1997). These articles mainly refer to such south-central Asian countries as the United Arab Emirates (UAE) and Turkey. With a view to combating such phenomena, in 1996 the State Agency for Tourism and Sport held a large conference attended by the heads of tourist agencies and representatives of the State organs concerned, including the Ministries of Foreign Affairs and Internal Affairs, the Visa and Registration Department, Russian border troops stationed in Kyrgyzstan and the State Customs Inspectorate. The conference resulted in the issuance of Decree No. 116 of 19 March 1996 on measures to heighten the responsibility of tourist organizations for travel of tourists abroad, according to which all tourist organizations must ensure the timely return of all tourists and the maximum time limit for tourists' return was set at 12 days after their departure. All

heads of tourist agencies have been informed about this decree. Following disclosure of a violation, and in accordance with the licensing provisions (Protocol No. 6 of 14 March 1996), the tourist agency "Chara" was deprived of its licence to operate in the tourism industry. Investigation of the travel of tourists with the "Turan-Asia" agency revealed that the agency was nothing more than an air carrier; women tourists arrived with documents already in order and open individual visas to the UAE and embarked as passengers. Nevertheless, the licensing commission of the Ministry of Tourism and Sport decided to curtail the activity of the "Turan-Asia" agency for a period of two months.

The State Agency for Tourism and Sport is responding energetically to the problems mentioned above and taking urgent measures to bring offenders to justice.

The national programme "Ayalzat" envisages measures to prevent venereal disease and AIDS and the State Committee for the Family, Women and Youth, non-governmental organizations and local administrations are taking an active part in applying these measures.

Article 7

92. Women play a key role in the economy and constitute a vast pool of labour resources. The number of women employed in all spheres of the economy is now 836,000, or 50.8 per cent.

In 1995, the proportion of women working in industry was 44.5 per cent, in agriculture, 35.9 per cent, in construction, 18 per cent, in communications, 57.4 per cent, in trade and food services, 62.6 per cent, in hydrology and meteorology, 33.4 per cent, in computer and information services, 70.4 per cent, in municipal services and utilities, 40.9 per cent, in health care, physical education and social services, 75.5 per cent, in education, 68.5 per cent, in culture, 66.3 per cent, in the arts, 45 per cent and in science and scientific services, 48.4 per cent. The fact is that two thirds of those employed in several branches of the economy today, and nearly 100 per cent of those employed in some professions, are women. For example, 99 per cent of tailors and seamstresses, 99 per cent of silk twisters, 94 per cent of cleaners, 78 per cent of hairdressers and 58 per cent of house painters are women.

93. Entrepreneurial activity is a new occupation in Kyrgyzstan. Under the market economy, a large proportion of women is finding jobs in the private sector. In 1993, 44 per cent of workers in cooperatives and 31 per cent of those employed in small-scale enterprises were women. The greatest concentration of women is in small-scale enterprise and occupations in the educational sphere (63 per cent), in credit and State insurance institutions (46 per cent) and in housing services (41 per cent). Of the directors of 17,993 joint stock companies, small-scale enterprises, concerns and firms, only 709, or 9 per cent, are women. The official information on this group of women is inexact and fragmentary, however.

94. The Kyrgyz Constitution accords citizens the right to participate in government administration directly and through their representatives.

Elections for President, members of the Legislative Assembly and the Assembly of People's Representatives in the Zhogorku Kenesh and representatives of local self-government bodies are held on the basis of equal suffrage (art. 1, para. 6). Under the law on election of the President of the Kyrgyz Republic, any direct or indirect restriction of the electoral rights of citizens on the basis of sex is prohibited (art. 2, sect.3). Under the law on election of members of the Zhogorku Kenesh, any direct or indirect restriction of the electoral rights of citizens on the basis of sex is prohibited (art. 2, sect. 4). Under the regulations on elections to lower local councils (keneshes), all citizens of the Kyrgyz Republic have equal rights to elect representatives to local governing bodies and to be elected thereto. Direct or indirect restriction of electoral rights on the basis of sex is prohibited (art. 2).

Direct or indirect limitation, on the basis of their sex, of the right of citizens to participate in referenda, which are held on the basis of equal voting rights, is prohibited (art. 3, sect.3, of the law on referenda in the Kyrgyz Republic).

The Criminal Code sets out penalties for obstruction of the right to vote (art. 139).

The development of a new electoral system in independent Kyrgyzstan has been reflected in the number of women parliamentarians, which had been subject to quotas under Soviet party leadership. In the past five years, as a result of the abolition of the quota system, women's lack of experience in pre-election campaigning, their lack of political skills and the restriction of their opportunities by patriarchal stereotypes, the number of women representatives in Parliament and local legislative bodies has gradually decreased. According to figures from the Central Electoral Commission, in 1985 there were 127 women, or 36.3 per cent of the total, in the Zhogorku Kenesh; in 1994, there were 27, or 8 per cent; and in 1996, 5, or 4.1 per cent.

95. The Constitution of the Kyrgyz Republic stipulates that all citizens have equal access to government service (art. 23).

According to the regulations on government service in the Kyrgyz Republic, government service must be performed in accordance with the principles of:

- recognition of the primacy of the rights, freedoms and lawful interests of individuals and citizens (para. 5 (c));

- equal access to government service on the basis of professional qualifications, competence and personal and professional qualities (para. 5 (e)).

The State accords citizens the freedom to choose their occupation or profession (art. 5 of the law on employment) and gives all citizens, without regard for sex, equal opportunities for the realization of the right to work voluntarily and freely to choose their occupation (art. 4 of the law on employment). Under the law on employment, citizens have the right:

- to work in social organizations (art. 1, sect. 4, para. 7);

- to work in international and foreign organizations in the Kyrgyz Republic and abroad (art. 1, sect. 4, para. b).

Twenty-nine per cent of the heads of State administrative bodies are women. The highest percentage of women in such positions is in Bishkek (47 per cent) and Chu region (38 per cent), the smallest in the Naryn region (18 per cent).

The greatest concentration of women directors is in the branches where women predominate: trade, public catering, health care, social welfare, education and housing services.

Women have moved into the position of director in other branches as well, but mainly in the lower and middle echelons of management. At the higher echelons the quotient of women is small. This pyramid may be seen throughout society and is fuelled by stereotypes in the minds of both men and women. Out of 102 directors at the national level, there are 11 women. Women occupy no positions of responsibility at the regional level. Of the 60 heads of regional administrations, only one is a woman.

Women do occupy such posts as Deputy Prime Minister, President of the Constitutional Court, Minister of Justice, Minister of Labour and Social Welfare, chairperson of the social fund and chairperson of the State Committee on the Family, Women and Youth.

96. Kyrgyz women are employed in the prosecution branch, the Ministry of Internal Affairs and the courts, but in diminishing numbers. As in other fields, the majority of women are employed at levels no higher than middle-echelon administrative and bureaucratic posts, although in the 1990s a woman was appointed for the first time to preside over the Constitutional Court.

The low proportion of women in the court system is accompanied by the ubiquitous process of masculinization, as in other spheres. In 1997, there were 66 women, or 28.7 per cent of the total, working in the court system.

Women in the internal affairs branch of the Kyrgyz Republic

| 1985 | | 1993 | | 1996 | |
|---|---|---|---|---|---|
| Total number of women | % | Total number of women | % | Total number of women | % |
| 649 | 5.3 | 515 | 3.2 | 619 | 3.6 |

The total number of persons employed by the Ministry of Internal Affairs was 17,089, and as of 1 January 1998, women numbered 2,511. Of these:

- 491 women were at the senior and intermediate supervisory level;

- 55 women were directors, 232, junior supervisors and 1,788, employees.

Fifty women were studying at the Bishkek police academy.

The proportion of women among military personnel of rank is:

- officers - 5.9 per cent;

- sergeants - 2.9 per cent.

The ratio of women to men was 8.8 per cent.

Women in the prosecution branch in Kyrgyzstan (1980-1996)

| Year | 1980 | 1985 | 1993 | 1996 |
|---|---|---|---|---|
| | Number and % | Number and % | Number and % | Number and % |
| Number of workers | 406 | 430 | 558 | 587 |
| Women | 6 217.7 | 8 118.5 | 6 212.1 | 87 |

The law on the prosecution branch gives equal rights in recruitment to the branch to men and women with an advanced law degree. Neither that law nor the related binding ordinances governing the activities of the Office of the Procurator envisage any type of restrictions or quotas for the recruitment of women or their professional advancement. These provisions are in no way affected by pregnancy or child care leave.

At present, 15 per cent of the staff of the prosecution branch are women, but the rate is much higher, 31 per cent, in the central Office of the Procurator and the procurator's offices in Bishkek and Chu region. An indication of the lack of restrictions on women's professional advancement is the fact that women have been appointed to serve as Procurator of the Republic, Deputy Procurator, etc.

97. There are 2,248 women in banking in the Republic, representing 66.7 per cent of the total staff. Thirty women (1.3 per cent of the total) occupy posts at the managerial level in banking, including directorships.

98. In 1980, there were approximately 1,000 women in the military stationed in units throughout the Republic's territory, compared to 860 in 1985. Today, there are about 700 women in the armed forces of the Kyrgyz Republic, 12 of them officers, 80 ensigns and 608 sergeants and soldiers.

99. The number of women employed in administrative bodies is as follows (by region):

| | 1996 | |
|---|---|---|
| | Total number of women | % of total |
| Kyrgyz Republic | 11 979 | 34.3 |
| Jalal-Abad | 1 111 | 29.7 |
| Issyk-Kul | 1 130 | 35.5 |
| Naryn | 758 | 32.9 |
| Osh | 1 695 | 21.8 |
| Talas | 621 | 39.1 |
| Chu | 1 707 | 45.7 |
| Bishkek, city | 4 957 | 39.2 |

Women in the administrative branch in 1996

| | Total number of women | Ratio of women to total staff |
|---|---|---|
| Total | 11 979 | 34.3 |
| Employed in: | | |
| Government service, including administrative affairs of the President | 234 | 48.8 |
| Regional administration | 185 | 45.5 |
| District administration | 593 | 37.8 |
| Zhogorku Kenesh (Parliament) | 133 | 50.2 |
| Regional keneshes (councils) | 15 | 51.7 |
| District keneshes (councils) | 9 | 39.1 |
| Rural and community administration | 2 028 | 36.5 |
| Ministries and departments | 4 762 | 28.2 |
| Economic management | 159 | 43.8 |
| Social administration | 568 | 41.5 |
| Courts and legal affairs | 443 | 40.2 |
| Other | 2 850 | 41.4 |

Women in managerial positions, by economic branch

| | 1994 | | 1995 | | 1996 | |
|---|---|---|---|---|---|---|
| | Total women managers | % of managerial staff | Total women managers | % of managerial staff | Total women managers | % of managerial staff |
| All branches | 15 721 | 36.9 | 14 484 | 36.2 | 13 982 | 35.5 |
| Industry | 4 142 | 34.2 | 3 346 | 32.1 | 2 868 | 32.2 |
| Agriculture | 397 | 14.2 | 366 | 17.8 | 543 | 20.9 |
| Forestry | 9 | 7.8 | 11 | 8.3 | 21 | 10.6 |
| Construction | 693 | 21.7 | 516 | 18.9 | 565 | 21.3 |
| Transport | 311 | 17.0 | 341 | 20.0 | 370 | 19.7 |
| Communications | 522 | 55.2 | 541 | 58.4 | 625 | 53.1 |
| Commerce and catering | 1 078 | 53.6 | 718 | 51.8 | 668 | 50.1 |
| Supplies and sales | 185 | 34.4 | 190 | 36.4 | 134 | 31.7 |
| Procurement | 32 | 19.5 | 36 | 20.5 | 18 | 17.8 |
| Geology, prospecting, geodesics, hydrology and meteorology | 86 | 24.4 | 80 | 23.4 | 77 | 23.6 |
| Computer and information services | 80 | 61.7 | 77 | 65.3 | 64 | 63.4 |
| Housing and provision of non-food consumer items | 283 | 36.0 | 311 | 35.5 | 290 | 29.9 |

| | 1994 | | 1995 | | 1996 | |
|---|---|---|---|---|---|---|
| | Total women managers | % of managerial staff | Total women managers | % of managerial staff | Total women managers | % of managerial staff |
| Health care, physical education and social services | 1 324 | 47.6 | 1 194 | 50.5 | 1 355 | 48.5 |
| Education | 4 488 | 50.5 | 4 400 | 49.4 | 3 222 | 48.7 |
| Culture | 259 | 55.4 | 314 | 56.6 | 243 | 50.8 |
| The arts | 32 | 17.7 | 56 | 29.6 | 72 | 30.9 |
| Science and science-based services | 290 | 37.6 | 267 | 36.2 | 252 | 32.3 |
| Credits, insurance and pensions | 335 | 45.5 | 329 | 43.3 | 427 | 45.8 |
| Administrative services | 939 | 28.6 | 1 164 | 29.2 | 1 539 | 29.3 |



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100. Trade unions in the Kyrgyz Republic attach particular importance to the implementation of the "Emgek" programme on the job market and employment promotion for 1998-1999 and through the year 2005. The fact that unemployed women have much greater difficulty finding jobs than do men is taken into account in this effort, and this has been reflected in the draft General Agreement between the Government of the Kyrgyz Republic, the Kyrgyz Trade Union Federation and employers' unions for 1998-1999, in which the trade unions have incorporated an obligation to facilitate the hiring of vulnerable groups of the population, primarily women.

Pregnant women and women with children may not be refused jobs or have their wages cut on account of being pregnant or having children. They are entitled to maternity leave and leave for care of children under three years of age. The length of time spent on child care leave is included in the overall length of service and specialization, and allowances are paid until children reach the age of 18 months. Women in these categories have the right to return to work at any time they see fit. Until a child reaches three years of age, a woman cannot be fired on the management's initiative. Women with children under eight years of age have the right to work part-time. Mothers of disabled children under 16 years of age are given one day off every month with payment equivalent to the average daily wage.

The legislators have given single mothers with children under 14 priority for retaining their jobs in the event of staffing reductions and made it mandatory to find new jobs for them when enterprises shut down.

Women regularly take complaints of infringement of their legal rights to the Kyrgyz Trade Union Federation. In 1997 alone, more than 100 women submitted complaints to the Federation concerning unlawful dismissal, transfer or dismissal because they were mothers of small children or because they were on child care leave. In most cases their rights were upheld.

As to complaints by women concerning discrimination in promotion, no such complaints were received by trade union organizations.

At present, over 50 per cent of the members of trade unions and 25 per cent of trade union leaders are women.

In accordance with the projected measures under the General Agreement in 1997, about 1,150 women and girls were familiarized with the situation on the job market (information on vacancies, employers' needs, educational and training courses and regulations on protection of unemployed citizens, the address and telephone numbers of the young people's employment exchange and of private employment firms, etc.). Women from socially disadvantaged groups (single mothers, retired persons) were given practical assistance in job placement.

101. The main concern of trade unions now, as before, is protection of the health of women and the family. In 1997, 1,104,472 individuals, over 60 per cent of whom were women with children and single mothers, went for health-building stays offered free of charge or at reduced rates in the health resorts and sanatoriums run by the trade unions.

The Republic's trade unions have been constantly striving towards the elimination of all forms of discrimination against women, and these efforts continue.

Article 8

102. According to the law of 8 February 1995 on the diplomatic service, citizens of the Kyrgyz Republic are accepted into the service without regard for their origin, nationality, sex, religious conviction, social position, property status or political or other beliefs.

103. Since the early 1990s and the accession of the Kyrgyz Republic to independence, an active foreign policy in which women have played a large part has been carried out.

During this period, women have often held ministerial posts in the foreign policy organs of the Kyrgyz Republic. Ms. R. Otunbayeva was Minister of Foreign Affairs after Kyrgyzstan's accession to independence, in 1992-1993, and again in 1994-1997.

Women accounted for 44 per cent of staff in the Ministry of Foreign Affairs in 1997. As of 1 February 1997, of the 93 employees in the central administration of the Ministry of Foreign Affairs, 34 (37 per cent) were women.

Of the 806 members of foreign missions of the Kyrgyz Republic, 20 are women. With the exception of certain high-level diplomatic posts (ambassadors and chargés d'affaires ad interim), women are generally employed in high- and middle-level executive positions. Fifteen women have high-level positions in the central administration of the Ministry of Foreign Affairs.

Of the 20 Kyrgyz diplomatic missions abroad, four are currently headed by women.

The tandem employment of spouses is practised in the diplomatic service of Kyrgyzstan (four families).

Women take an active part in delegations to international meetings and conferences and often head them.

According to available information, there are currently no citizens of the Kyrgyz Republic working in the United Nations system.

Article 9

104. In accordance with the Convention on the Elimination of All Forms of Discrimination against Women, women are accorded equal rights to acquire, change or retain their nationality. Neither marriage to an alien nor change of nationality by the husband during marriage automatically changes the nationality of the wife (art. 7, law on nationality of the Kyrgyz Republic).

Kyrgyzstan is currently a party to the Convention on the Nationality of Married Women.

105. According to article 7 of the law on nationality of the Kyrgyz Republic, neither marriage of a citizen of the Kyrgyz Republic to a person holding the nationality of another State or to a stateless person nor the annulment of such marriage causes any change in the nationality of the spouses. A change of nationality by one spouse causes no change in the nationality of the other.

106. The nationality of children is regulated by the law on nationality of the Kyrgyz Republic as follows.

Under article 13, a child whose parents hold Kyrgyz citizenship at the time of his or her birth is a citizen of the Kyrgyz Republic, irrespective of the place of birth.

Under article 14, a child is a national of the Kyrgyz Republic:

- if the parents are of different nationalities, but at the time of the child's birth in the territory of the Kyrgyz Republic, the father was a Kyrgyz citizen and the mother was an alien or a stateless person;

- if the child was born outside the territory of the Kyrgyz Republic, but the father was a citizen of the Republic and was a permanent resident of the Republic at the time of the birth.

The nationality of a child born outside the territory of the Kyrgyz Republic to parents of different nationalities residing outside the territory of the Kyrgyz Republic, one of whom, at the time of the child's birth, was a citizen of the Kyrgyz Republic, and the other an alien, is determined by written agreement between the parents. A child, one of whose parents held Kyrgyz citizenship at the time of his or her birth, while the other parent is unknown, is a citizen of the Kyrgyz Republic, irrespective of the place of birth.

In the event it is established that the father of a child under 14 years of age whose mother is a stateless person is a citizen of the Kyrgyz Republic, the child becomes a citizen of the Kyrgyz Republic, irrespective of the place of birth.

Under article 20, in the event of a change in the nationality of the parents or of adoption, the nationality of a child aged 14 to 16 may be changed only with the consent of the child.

The above-mentioned law on nationality of the Kyrgyz Republic thus differentiates between the mother and father in determining the nationality of the child.

Accordingly, and as a result of the signature by the Kyrgyz Republic of the Convention on the Elimination of All Forms of Discrimination against Women, the Ministry of Justice is currently drafting a new law on nationality that will conform to the provisions of the Convention and of other international instruments ratified by the Kyrgyz Republic.

Article 10

107. In accordance with the Convention, the Constitution of the Kyrgyz Republic (art. 32) guarantees everyone the right to education. The law on education provides for the right to education without distinction as to sex (art. 2).

The law on education and other basic regulations in the fields of education, science and culture contain no rules or provisions that discriminate against women. The basic regulatory provisions, orders, instructions and recommendations are:

- The regulations on the multi-level structuring of higher education in the Kyrgyz Republic;

- The regulations on government educational standards in the Kyrgyz Republic;

- The regulations on State institutions of higher education in the Kyrgyz Republic.

The rules for admission to secondary and higher educational institutions and other regulations truly ensure equal rights for women and men in education.

Education is one of the most important means by which women may gain skills and professional qualifications and acquire confidence in their own abilities.

108. In recent years women in the Kyrgyz Republic have made major breakthroughs in the area of education. Education has helped to form a new type of woman in Kyrgyzstan and contributed to national diversity.

There is virtually no problem of illiteracy or discrimination in education for women in Kyrgyzstan. The prevalence of literacy and the high educational level among women are real achievements. At present, 4.5 per cent of the total population of women aged 15 and over is illiterate.

In order to sustain what has been achieved, during the ongoing social transformations Kyrgyzstan is spending more on education than on defence.

In 1993, freedom to attend secondary school education was proclaimed in Kyrgyzstan, and according to the Constitution (art. 32, para. 2), general secondary education is compulsory and free of charge. There is no discrimination on grounds of sex. The teaching of girls and boys is coeducational, except in particular cases.

Over 51 per cent of the students at higher educational institutions and secondary specialized institutes are women. Women are the primary resource in the fields of education, science and science-based services.

This is confirmed by statistics on admission of women to higher educational institutions in the Kyrgyz Republic and by the number of young women specialists graduating every year from educational institutions.

Percentage of women in higher and secondary educational institutions compared with the overall number of students

| | 1994/1995 | 1995/1996 | 1996/1997 |
|---|---|---|---|
| Percentage of women students in higher educational institutions | 60 | 52 | 51 |
| Industrial and construction institutes | 33 | 35 | 35 |
| Agriculture | 22 | 31 | 32 |
| Economics | 21 | 49 | 53 |
| Health care, physical education and sports | 57 | 52 | 53 |
| Education | 66 | 64 | 62 |
| The arts | 60 | 62 | 57 |
| Percentage of women students in secondary specialized educational institutions | 61 | 63 | 64 |
| Industrial and construction institutes | 44 | 42 | 42 |
| Transport | 5 | 6 | 6 |
| Agriculture | 28 | 37 | 43 |
| Economics | 70 | 74 | 77 |
| Health care, physical education and sports | 88 | 88 | 89 |
| Education | 87 | 89 | 86 |
| The arts | 62 | 68 | 70 |

109. Number of girls admitted to daytime vocational training courses

| | 1994 | 1995 | 1996 |
|---|---|---|---|
| Total girls admitted | 8 658 | 5 912 | 4 818 |
| % of total admissions | 40.7 | 41.8 | 40.7 |
| Admitted to secondary school | 5 066 | 3 402 | 3 035 |
| % of total | 58.5 | 51.5 | 49.7 |
| Admitted to primary school | 685 | 766 | 825 |
| % of total | 28.1 | 30.3 | 33.6 |

110. The existing regulations on job allocation and placement for young teachers provide jobs for up to 90 per cent of women teachers.

It is primarily women who are involved in the democratization and humanization of education and the application of national experience in the educational field: women make up 52 per cent of the teaching staff in higher educational institutions, 70 per cent of the teachers in general educational institutions and the 37 per cent of the directors in the educational system. A more detailed analysis of women's employment in educational and scientific institutions in the Kyrgyz Republic is set out in the table below:

| Branches and their staff | Total staff | Women | Women |
|---|---|---|---|
| Teaching staff of higher educational institutions | 3 691 | 1 895 | 51.3% |
| First postgraduate degree holders | 1 236 | 404 | 32.7% |
| Second postgraduate degree holders | 107 | 15 | 14% |
| Professors | 125 | 31 | 24.7% |
| Senior lecturers | 674 | 207 | 30.7% |
| Rectors of higher educational institutions | 22 | 1 | 4.5% |
| Teachers | 959 | 497 | 51.8% |
| Directors of specialized secondary institutions | 16 | 3 | 18.7% |
| Teachers in general educational establishments | 69 510 | 5 003 | 71.9% |
| Directors of day schools, boarding schools and children's homes | 1 867 | 554 | 29.7% |
| Heads of extramural educational establishments | 9 | 3 | 33.3% |
| Heads of regional scientific institutes and district and municipal scientific bodies | 66 | 16 | 24.2% |
| Ministerial staff, including Committee on Science | 75 | 44 | 58.6% |
| Educational staff recipients of State awards and testimonials | 1 686 | 646 | 38.3% |

111. An international scientific conference on education and women (October 1996) served as a way of summing up the work of scientific, social and

educational institutions and organizations on various aspects of women's issues in Kyrgyzstan. Participants stressed the fact that there is virtual equality of access to education, voluntary coeducation and an absence of the discriminatory practice of quotas for admission to educational institutions or the distribution of grants.

Of the 25 recipients of grants under the President's programmes entitled "Skilled staff for the twenty-first century" and "Meerim", 14 are women students at higher educational institutions.

Under the national programme "Ayalzat", the State Committee on the Family, Women and Youth is carrying out measures for education and the improvement of functional literacy. The Committee has established a grant for girls studying in higher educational institutions which is given to female students from large rural families who achieve good results in their studies.

112. Regarding information and advice on family planning, the State Committee on the Family, Women and Youth, together with the Ministry of Health, has organized medical and sociological visits to remote villages throughout the Republic. Medical students have examined women and girls in these villages and held discussions and lectures on reproductive health and family planning. Information booklets, leaflets and posters on these subjects have been distributed to the public.

There is no separate programme of professional or vocational training in male-dominated fields.

Specific measures are envisaged for the provision of school premises and equipment and study grants (art. 26, sects. 1 and 2, law on education).

Article 11

113. Article 16 of the Constitution of the Kyrgyz Republic stipulates that everyone has the right to freedom of employment. The Labour Code (art. 11) embodies the right of citizens to work with no discrimination of any kind. Individuals who feel they have been subjected to discrimination in employment can submit a complaint to the courts. If a court finds evidence of discrimination it will rule that such discrimination must cease and that compensation must be paid for the material and moral damage suffered.

Under article 14 of the Labour Code, every citizen of the Kyrgyz Republic has the right to independent employment or contract labour. Any authorized form of labour may be chosen as a profession. Independent employment entails the right to create new enterprises, to become involved in existing ones and to set up in conjunction with others cooperatives or similar organizations in the interests of mutual benefit. Contract labour entails the right to free choice of place of work, to submit applications for vacant jobs and, in the event of a choice among several candidates, not to be unfairly disadvantaged. State intermediary services for job placement are provided free of charge.

114. In all the branches of the economy, women occupy low-paid and less prestigious jobs in the lower and middle echelons. The high cost of living and

women's limited skills force them to work under hazardous conditions that enable them to receive supplementary leave, food products and higher wages. In industry, women work with equipment that does not meet safety standards. One fifth of all workers doing heavy physical labour in industry, and over one fourth in construction, are women. In early 1997, 41 per cent of all persons working under hazardous conditions in industry were women. Over 14 per cent of all individuals employed in heavy physical labour were women.

115. Through the law on State social insurance (No. 20 of 17 June 1996), the Government guarantees to insured persons, irrespective of their sex, "insurance against loss of wages or earnings as a result of illness, industrial injury or occupational disease, disability, maternity, old age, unemployment, loss of a breadwinner or death" (art. 1) as well as "equity and legal defence" (art. 3).

This legislation also lays down conditions in which there is no distinction on the basis of sex, for the payment of pensions (art. 12) and allowances for temporary work incapacity (art. 113), maternity (art. 14), ritual (funeral) services (art. 15) and unemployment (art. 16).

116. The law on the State pension insurance scheme (No. 57 of 21 July 1997), which entered into force on 1 October 1997 preserved the existing age conditions for retirement (60 for men, 55 for women) (art. 9). Every year from 1 January 1998 to 1 January 2003, the required length of service will be increased by a year, to total 30 years for men and 25 for women.

The conditions for according pensions to mothers with many children, mothers of children disabled from childhood and women who have worked in high altitudes for 15 calendar years have been retained.

Beginning on 1 January 1998, woman having raised three or more children until the age of eight will have the right to receive a pension at 45 years of age and with 15 years of service if they have been employed no less than 12 calendar years in high altitudes (art. 9, para. 56).

117. Article 305 of the Labour Code accords women maternity leave. Before or after such leave and after leave for child care, time off from work may be accorded to a woman if she so requests, irrespective of the length of service with the employer (art. 306).

According to Kyrgyz Government Decree No. 34 of 8 February 1995 concerning the procedure for the provision of social insurance benefits, working women are guaranteed maternity allowances equivalent to full pay for a period of 126 days after a normal birth and of 140 days after obstetrical complications or multiple births. The same decree guarantees working women sick pay and allowances for care of a sick child.

Under the law on State security and compensation for individuals who live and work at high altitudes (No. 33 of 28 June 1996), prenatal and postnatal benefits for women who live in high altitudes have been extended to 140 days for normal births and to 156 for obstetrical complications or multiple births.

The law on employment (No. 1424-XII of 14 January 1994) guarantees benefits to unemployed women for temporary work incapacity on account of maternity (art. 31).

The Labour Code of the Kyrgyz Republic grants working women time off for the care of children under three years of age and for the care of sick children under 16 years of age (art. 307). According to articles 205 and 314, both parents have the right to child care leave until the child is three years old, such time off to be included in the calculation of the overall length of service, uninterrupted service and professional service.

118. Under the Labour Code of the Kyrgyz Republic and the law on State financial assistance to families with children, women receive a variety of benefits.

The assignment of women with children under eight years of age to night work without their consent is prohibited, as is their being sent on business trips without their consent (Labour Code art. 303, law on State financial assistance to families with children, art. 18). Women with children under three years of age may not be assigned to work on rest days (Labour Code art. 303, law on State financial assistance to families with children, art. 18)

Under article 5 of the Marriage and Family Code of the Kyrgyz Republic, the Government expresses its concern for the family by creating and developing a wide network of day care centres and nurseries, boarding schools and other facilities for children. Under article 302 of the Labour Code, pregnant women may not be employed in tasks involving the manual lifting and carrying of heavy loads.

In accordance with medical findings, pregnant women are transferred to lighter tasks in which they are not subjected to dangerous and hazardous industrial factors (Labour Code art. 304).

Article 304 of the Labour Code authorizes the transfer of pregnant women and women with children under 18 months to lighter tasks. Pregnant women who require such a transfer must be assigned to lighter tasks irrespective of the time elapsed since the start of the pregnancy. The phrase "lighter tasks" is understood in the overall context of working conditions - hazardous work, manual loading at night, business trips, etc. When a woman is transferred to lighter tasks as permitted by the law, she retains her average wages.

Pregnant women, breast-feeding mothers or women with children under 18 months may not be dismissed unless the establishment, organization or enterprise shuts down, and even in such cases, only with compulsory job placement. Officials who violate these regulations will be prosecuted. The spouses of men recruited for temporary service in the armed forces must be given priority for job placement if they so request. If no job can be found for the spouse of a serviceman, her period of uninterrupted service is simply suspended until she is rehired, when it begins running again. A woman's working day or working week may be shortened by agreement with the administration (and sometimes simply upon request), and work at home is also possible.

119. In late 1997, the financing of health care institutions for medical care (inpatient treatment) of workers, retirees and unemployed persons registered in employment agencies out of the contributions to the insurance fund was instituted. For 1997, the rate of insurance contributions for these groups was set at 2 per cent of the employer's labour payment fund and 108 som a year from the pension fund and the employment fund. Unemployed persons and students were not covered by insurance in 1997.

The legislation of the Kyrgyz Republic provides for sick pay in cash. According to the regulations on the provision of social insurance benefits (approved by the Government of the Kyrgyz Republic in Decree No. 34 of 8 February 1995), allowances for temporary work incapacity are paid (irrespective of sex):

(a) for a worker's illness, based on the treatment provided, in the amount of:

90 per cent of wages for inpatient treatment;

75 per cent of wages for outpatient treatment;

allowances are paid for recovery from illness or certification of disability (an equivalent amount for the first three days being payable by the employer);

(b) for care of sick members of the family, the worker receives an allowance in the same amounts (75 per cent and 90 per cent), but for a duration of merely 14 days of outpatient treatment and for the entire period of inpatient care of a sick child;

(c) for treatment in sanatoriums and health resorts. If the worker's basic and supplementary leave does not suffice for travel to and treatment in such establishments, a certificate of work incapacity is provided for the remaining days and an allowance equivalent to 90 per cent of wages is paid.

Allowances are fixed at 100 per cent of wages in all cases of temporary incapacity when the worker has three or more children, suffers from a severe chronic disease (diabetes mellitus, tuberculosis, tumours or blood disease or the results of combating the Chernobyl accident).

According to these regulations, working women are entitled to a maternity allowance in the amount of full salary. Most working women receive the allowance for 126 days, but in the event of multiple births or obstetrical complications, the allowance is paid for 14 additional days.

An allowance in the amount of full salary is paid for temporary work incapacity of persons living and working in high altitudes, irrespective of the nature of the treatment provided.

Women who adopt children under one year of age are given 70 days of fully paid leave.

120. The employment of women in the various economic branches is as follows:

| | 1994 | 1995 | 1996 |
|---|---|---|---|
| All branches | 100 | 100 | 100 |
| Industry | 17.6 | 18.5 | 17.8 |
| Agriculture | 28.0 | 12.5 | 10.7 |
| Forestry | 0.2 | 0.2 | 0.2 |
| Construction | 2.1 | 2.0 | 2.1 |
| Transport | 1.4 | 1.8 | 1.8 |
| Communications | 1.5 | 2.1 | 2.2 |
| Commerce and catering | 6.1 | 5.1 | 5.2 |
| Supplies and sales | 0.4 | 0.5 | 0.4 |
| Procurement | 0.3 | 0.2 | 0.1 |
| Geology, prospecting, geodesics, hydrology and meteorology | 0.3 | 0.4 | 0.4 |
| Computer and information services | 0.2 | 0.2 | 0.2 |
| Housing and provision of non-food items | 2.1 | 2.0 | 2.3 |
| Health care, physical education and social services | 13.4 | 19.1 | 19.1 |
| Education | 20.8 | 26.8 | 27.2 |
| Culture | 1.5 | 1.6 | 1.6 |
| The arts | 0.3 | 0.4 | 0.4 |
| Science and science-based services | 0.8 | 0.8 | 1.0 |
| Credit, insurance and pensions | 0.9 | 1.1 | 1.4 |
| Administrative services | 2.1 | 4.1 | 4.4 |

121. Under the legislation of the Kyrgyz Republic, wage reductions of any sort on grounds of sex, age, race or nationality are prohibited. Within State institutions, remunerations are set, without regard for the sex of the worker, on the basis of the official salary for the post, term of service and similar criteria.

122. Recruitment for a post on grounds of sex is non-existent in practice. There are general criteria for hiring: education, age, professionalism, etc.

123. The National Statistics Committee provides the following figures on heads of household:

| | Number | % |
|---|---|---|
| Female heads of household | 552 | 6 |
| Total number of persons in household | 8 993 | 100 |

| | Number | % |
|---|---|---|
| Female heads of household | 552 | 28 |
| Households | 1 951 | 100 |

Despite changes in the status of women in Kyrgyzstan and the expansion of their roles in society, women spend most of their time on taking care of the family, raising children and housekeeping. The daily burden of these tasks is inestimably larger on women than on men. The time spent by women workers and employees on housework amounts to three hours and 30 minutes of the working day and equals four hours for collective farm workers, while their free time is one hour and 23 minutes and one hour and three minutes, respectively.

On rest days, women spend twice the amount of time on housework as on working days.

In 1990, the time spent on housework by women workers, employees and collective farm workers (in a 24-hour period) was as follows:

| | Workers and employees | | Collective farm workers | |
|---|---|---|---|---|
| | Working days | Free days | Working days | Free days |
| Time spent on housekeeping (hours: minutes) | 3:37 | 7:08 | 4:06 | 8:12 |
| Percentage spent on housework | 88.4 | 87.1 | 92.3 | 95.2 |
| Percentage of the above on: Cooking | 44.8 | 29.6 | 44.2 | 31.5 |
| Washing and ironing | 12.1 | 24.3 | 12.4 | 23.9 |
| Sewing, knitting, care of clothing and footwear | 7.1 | 9.3 | 8.8 | 10.2 |
| Housecleaning | 11.1 | 12.0 | 9.1 | 7.6 |
| Appliance, furniture and home repair | 2.4 | 2.7 | 3.2 | 6.2 |
| Child care | 9.5 | 7.2 | 11.4 | 12.4 |
| Other forms of housework | 1.4 | 2.0 | 3.2 | 3.4 |
| Shopping for non-food items | 2.4 | 3.7 | 1.5 | 1.1 |
| Shopping for food items | 9.0 | 8.6 | 6.0 | 3.5 |
| Shopping for services | 0.2 | 0.6 | 0.2 | 0.2 |

Over 40 per cent of the time women spend on housekeeping on working days, and around 30 per cent on free days, is on cooking. As a result of problems in purchasing food items and the insufficient supply of ready-to-cook products, the time spent on cooking in 1990 was 20 per cent longer than in 1980.

About one fifth of housework comprises washing, sewing and care of clothing, underwear and footwear, up to 12 per cent, housecleaning, and almost 13 per cent, shopping for goods and services. There is a very large difference between the time spent by women and men on housework. Women spend thrice the time on housework that men do on working days, and thrice the time as well on rest days.

According to statistical averages, in the 1990s, the working day of Soviet women (productive labour + housekeeping) was 13 hours, 24 minutes. Mothers spent merely 37 minutes a day on raising their children. The vestiges of the patriarchal system, large size of families and poverty in Central Asia have exacerbated those figures.

In Kyrgyzstan, women are occupied with paid and non-paid labour for an average of 78.6 hours a week, men for 64.7. Whereas in Slavic families, husbands help their wives with the housekeeping, in families which formerly professed or currently profess the Muslim faith, it goes against tradition for men to take an active part in housework or the raising of small children.

124. Through the regional Centres for Women's Initiatives, the State Committee on the Family, Women and Youth is carrying out measures to increase employment among women. In 1997, the Centres provided State funding for small loans to poor women in all six regions. The provision of small loans through the regional Centres is a pilot project, a preparatory step towards the creation of a woman's credit facility under the national programme "Ayalzat" for 1998. The financing available for 1998 is not sufficient for this project to be carried out, however. An initial analysis of the small loans programme shows that progress has been made towards employment, self-employment and the creation of jobs, women are earning money, the material and moral wellbeing of families has improved and the women receiving the loans are furnishing needed goods and services to local populations. In learning to make business propositions and to handle loans, women are improving their understanding of economics and the law. One of the most encouraging features of the regional provision of small loans relates to repayment. Applications for loans are assessed on the basis of the previous performance of the women applicants, and the opinions of other villagers are taken into account; business activities are carried out before all residents of the village, which ensures that the loans are used for the purposes intended and repaid on time.

125. Various non-governmental organizations are well represented in Kyrgyzstan. Most of them not only provide advisory services under the various country projects but also offer financial assistance. For many years, the United Nations Development Fund (UNDP), together with the Ministry of Labour and Social Welfare, has been working on various women's issues. The German Society for Technical Cooperation has been working in close cooperation with the Ministry of Labour and Social Welfare to carry out various projects in the

field of employment, including for unemployed women. With the German Society, work was begun in 1997 on a number of projects. They include:

Aid and services for single mothers and after the loss of the breadwinner (village of Aidarken, Osh region). The purpose of the project is to provide occupational training to unemployed women to enable them to become self-employed, to provide advice on social and domestic problems and offer child care and housekeeping services to single mothers and women deprived of a breadwinner so that they may avail themselves of the vocational training available;

Creation of self-help groups in the women's residence "Naker" (town of Talas). The purpose of the project is to organize vocational training for unemployed women, to give temporary employment to unemployed women registered with the employment centre and to further the organization of at-home services. These pilot measures are aimed at setting up a sewing workshop for a minimum of 20 unemployed women.

Advanced training and retraining, psychological support for unemployed women, assistance in job placement (city of Karakol, Issyk-Kul region). Training is given for three occupations: computer operator, travel guide and masseuse. The project involves the training of 60 unemployed women geared towards the opening of their own businesses. Support was given for these measures by the women's non-government organization "Shoola" in Karakol;

Vacuum packaging of foodstuffs (city of Bishkek). The concept behind this pilot project is to eliminate market deficiencies in packaged foodstuffs;

Second lives for books (city of Bishkek). The goal is to train unemployed women in book restoration, to give them temporary employment and to provide book and textbook restoration services for city schools. Twenty women have undergone training and found temporary employment through this project;

Checks for jobs, carried out in four regions, is a pilot project aimed at the creation of more jobs for young people by a combination of lump sum payments and reduction of contributions to social funds for employers who create new jobs for unemployed youth. The project envisages a quota of 50 per cent for the employment of young women. A high rate of recruitment of women has been observed in all regions.

A generalized programme called Emgek with components for vocational training and retraining of unemployed citizens to which men and women have equal access has been developed.

There is equal access within all government institutions to vocational training and retraining, without regard for the sex of the participant.

Under the State programme "Ayalzat", the State Employment Service is responsible for:

- providing advice to women in search of a job;

- finding jobs for unemployed women;

- helping women to open their own businesses by giving them financial subsidies;

- recruitment of women to perform paid social services;

- measures for the retraining and advanced training of women in line with demand on the job market.

126. Following gender analysis of the Labour Code, the deletion of the provision prohibiting the holding of several posts simultaneously by pregnant women was proposed, but this proposal was not incorporated when the new Labour Code was adopted.

127. As of 1 January 1998, women refugees officially registered in the Kyrgyz Republic numbered 7,509.

It must be noted that women refugees in Kyrgyz territory are given legal and social aid by the State on the basis of equal rights for men and women to enjoy the economic and social advantages envisaged in Kyrgyz legislative instruments.

Low educational levels and the traditionally patriarchal structure of society determine the position of women refugees in the family and in society, however, with the result that they remain dependent on their husbands and relatives and the views of others.

Analysis reveals a high level of unemployment among women refugees - up to 70 per cent - while 2,300 are heads of household. A great many of them need skilled medical care and an understanding of family planning and disease prevention techniques, inter alia. There is evidence of polygamy, that is, Tajik refugees leave their lawful wives and enter into de facto marital relations without the benefit of marriage, and girls are being married without their consent.

It should be pointed out, however, that the difficult situation of women refugees is largely accounted for by the overall situation of refugees in the Republic. According to figures from the NGO support centre in Kara-Balt, 33 per cent of refugees are homeless, 60 per cent of those of working age have no regular jobs and 90 per cent are living below the poverty line.

Accordingly, and because the integration of refugees into society can directly affect the situation of women refugees, the following measures are now being carried out:

organization of income-generating activities for those in need to carry out themselves;

provision of food, water, medicine, sanitation and education.

As an experiment in this context, a programme of assistance to 700 refugee families by providing vegetable seeds was carried out in the Chu region in March 1997 with the assistance of the national chapter of the Red Crescent and the Netherlands branch of the Red Cross.

With the support of the International Organization for Migration and the Counterpart Consortium, projects were carried out to find 26 jobs for women refugees in Kok-Yangak and Efironos, in the Panfilov district.

As of 1 November 1997, 111 refugee families (613 persons) had been incorporated into peasant and farming communities, 195 families (1,021 persons) had been leased 1,295.07 ha. of land, 1,147 persons had acquired regular jobs, 1,210 persons were employed in seasonal jobs and 2,300 were heads of households. Accordingly, out of 6,950 able-bodied refugees, 5,317 had temporary or permanent jobs and 1,633 were unemployed.

Measures are being adopted to provide refugees with social benefits and pensions. As of 1 October 1997, 165 refugees were receiving pensions, including:

old age pensions - 128 persons, 27,770 som;

for loss of a breadwinner - 23 persons, 4,650 som;

social security pensions - 114 persons, 330 som;

disability pensions - 99 persons, 18,740 som.

The total is 51,490 som.

Through contributions from the national chapter of the Red Crescent Society and the Netherlands branch of the Red Cross, humanitarian aid was provided in the form of winter clothing and footwear for school-age children and food - 106 tons of rice, 64 tons of cooking oil and 160 tons of flour.

The Office of the United Nations High Commissioner for Refugees gives a great deal of assistance in the integration of refugees.

With its help, construction of a scholastic cultural centre costing $US 55,000 was begun in early 1997 in the town of Chet-Bulak, Batken district, Osh region. The secondary school in the town of Kara-Tyub, Jail district, and a water pipe in the town of Oirond, Panfilov district, were repaired during the year with the assistance of the Counterpart Consortium.

A non-government organization called "Khairiniso" was set up in Kara-Balt for the advancement and support of women refugees and a similar organization is being created in Jalal-Abad.

128. In the transition to a market economy, women have overtaken men among the unemployed. Employment of women in both cities and rural areas has suffered. The proportion of women is fairly high in the various age categories of unemployed persons registered by employment services, the majority being under

29 years of age. The State Employment Service is working to overcome employment problems for women by taking all possible actions in respect of the market.

The problems of women in both urban and rural areas are such that women are not ready to become entrepreneurs because of insufficient start-up capital and managerial experience and an imperfect fiscal policy which does not suit everyone.

129. The number of women unemployed is growing from year to year. Recently, however, a downward trend in the proportion of women among the unemployed as a whole has been observed, breaking the "femininization" of unemployment. This is linked to an increase in unemployment in the most widespread occupations, primarily in branches of industry where men tend to predominate (factories). Another cause is the fact that partial employment is more attractive to women than to men as an alternative to full unemployment: women keep working in enterprises where they are employed part-time in order to retain such jobs. The job placement rate in 1997 was higher for women (29.6 per cent) than for men (27.4 per cent).

Unemployed women registered with employment agencies

| | 1994 | | 1995 | | 1996 | |
|---|---|---|---|---|---|---|
| | # | % of total unemployed | # | % of total unemployed | # | % of total unemployed |
| Number of unemployed women - total | 7 677 | 60.9 | 29 902 | 59.3 | 44 731 | 58.0 |
| With higher education | 1 287 | 61.5 | 3 762 | 60.7 | 4 845 | 61.3 |
| Specialized secondary | 2 035 | 61.2 | 7 945 | 59.4 | 11 097 | 53.2 |
| General secondary | 3 638 | 58.7 | 15 906 | 60.5 | 23 844 | 60.1 |
| Incomplete secondary | 717 | 71.5 | 2 289 | 50.5 | 4 945 | 56.3 |
| Under 18 | 353 | 63.8 | 1 178 | 50.8 | 2 918 | 57.1 |
| Aged 18 to 22 | 1 090 | 67.2 | 3 936 | 55.3 | 5 172 | 58.0 |
| Aged 22 to 30 | 1 797 | 64.7 | 6 246 | 57.6 | 8 902 | 58.7 |
| Pre-retirement | 484 | 59.7 | 1 155 | 46.5 | 3 129 | 52.3 |
| Other | 3 953 | 57.7 | 17 387 | 62.9 | 24 610 | 58.6 |
| Total number of unemployed women raising minors and persons disabled from childhood | 3 997 | 65.1 | 17 288 | 63.0 | 25 913 | 60.6 |
| Of these: single mothers | 660 | 76.9 | 2 480 | 85.6 | 2 730 | 82.2 |
| Mothers with many children | 1 392 | 59.1 | 6 149 | 63.5 | 8 730 | 58.1 |

| | 1994 | | 1995 | | 1996 | |
|---|---|---|---|---|---|---|
| | # | % of total unemployed | # | % of total unemployed | # | % of total unemployed |
| Unemployed for 1 month | 1 155 | 63.6 | 2 576 | 57.8 | 4 368 | 64.0 |
| 1 to 3 months | 1 686 | 61.0 | 6 065 | 58.1 | 7 406 | 55.7 |
| 3 to 6 months | 2 737 | 60.0 | 13 175 | 59.6 | 13 998 | 58.0 |
| 6 months to 1 year | 1 396 | 58.3 | 5 081 | 58.7 | 11 319 | 57.5 |
| Over 1 year | 703 | 65.6 | 3 005 | 63.2 | 7 640 | 58.0 |
| Unemployment allowance for: under 1 month | 649 | 57.8 | 1 692 | 54.2 | 1 505 | 60.3 |
| 1 to 3 months | 1 624 | 61.9 | 4 211 | 57.9 | 3 486 | 58.0 |
| 3 to 6 months | 2 174 | 57.6 | 9 790 | 59.2 | 6 553 | 64.0 |
| 6 months to 1 year | 295 | 79.1 | 1 250 | 66.7 | 3 232 | 54.7 |
| Over 1 year | 4 | 100.0 | 56 | 70.9 | 486 | 64.8 |
| Of total recipients of unemployment allowances | 4 746 | 60.1 | 16 999 | 58.8 | 15 262 | 60.6 |

/...

130. The State Committee on the Family, Women and Youth held a conference on gender analysis of the Labour Code of the Kyrgyz Republic at which it was pointed out that household management is not an appropriately remunerated form of economic activity. Women's non-governmental organizations are calling for a serious study to be carried out on household management.

Article 12

131. A law on AIDS prevention in the Kyrgyz Republic was adopted in December 1996 and is being implemented through Government Regulation No. 507 of 1 September 1997 on measures to prevent AIDS and sexually transmitted diseases in the Kyrgyz Republic. These directives make it compulsory to carry out measures to prevent AIDS in the Republic and to provide medical assistance to HIV-infected individuals and AIDS sufferers.

So far four cases of HIV infection have been diagnosed in the Kyrgyz Republic, two women and two men. One of the women was a native of Kyrgyzst n. In the other case, a pregnant woman in transit from Ukraine gave birth in Bishkek, and examination of the child yielded positive results.

132. There are 14,354 physicians in the Kyrgyz Republic and 37,780 paramedics; there are 343 hospitals with 38,332 beds and 594 outpatient departments in 61,924 clinics. The Republic is currently introducing State insurance financing for medicine as part of health care system reforms.

Under article 34 of the Constitution of the Kyrgyz Republic, all citizens are entitled to health care free of charge. All citizens have equal opportunities to fulfil their right to health care (law on protection of the health of the Kyrgyz people, art. 10).

Because of the inadequate financing of the health care system, the Ministry of Health has drawn up a list of guaranteed medical services. Compulsory medical insurance covers basic health care, i.e. the main types of medical services funded by the State budget and compulsory medical insurance. Medical services range from the first echelon (midwifery facilities) to specialized medical treatment. They are accessible to the entire population on the basis of guaranteed basic health care. Where the patient agrees and is able to pay, the more complex medical procedures can be performed against payment. Paid services at curative and treatment facilities are monitored by special units within the Ministry.

The information office of the Ministry of Health carries out yearly analyses of health care indicators. The average life expectancy is 66.6, 62.5 for men and 71 for women.

133. The quality of care provided by the medical system of the Kyrgyz Republic varies from urban to rural areas. The average number of physicians, for example, is 34 nationwide, 67.6 in cities and 18.8 in villages: the rural population has three times fewer medical practitioners. The same situation exists in the availability of hospital beds, which are 25 to 30 per cent fewer in rural areas than in cities. Rural medical facilities, especially in remote areas, are served by virtually no public utilities and are somewhat less well

endowed with modern medical apparatus. The financing of purchases of medical equipment, medication and food has been highly unsatisfactory for the past few years. To comply with international programmes and projects, the Ministry of Health has been constantly supporting rural institutions.

134. The Government of the Kyrgyz Republic has approved nationwide programmes, including one on immunization for the period 1996-2000. Under this programme, the population of the Republic, irrespective of sex and age, will be vaccinated against infectious diseases. Yet problems remain with immunization against illnesses like influenza, viral hepatitis and meningitis. Immunization against these diseases can be provided against payment, if citizens so desire (owing to the high cost of immunization). A series of measures to facilitate "rooming in" by mothers and infants with the goal of preventing infant morbidity and heightening resistance to infectious diseases at an early age have been carried out in the past few years as part of the system of medical care for pregnant women and neonates. All maternity hospitals and facilities have been reorganized to facilitate "rooming in" for mothers and infants.

135. In accordance with the Cairo Conference, abortion has officially been legalized in the Kyrgyz Republic. Three types of therapeutic abortion are practised in medical institutions: 1) mini-abortion up to the fifth week of pregnancy; 2) artificial abortion up to the twelfth week of pregnancy; and 3) abortion for medical or social causes up to the twenty-sixth week of pregnancy.

Since 1993, contraceptives have been provided to the Kyrgyz Republic under a special programme of the United Nations Fund for Population Activities (UNFPA). A programme on reproductive health is being carried out in the southern part of the country (Osh and Jalal-Abad regions). Various types of training are given in the use of contraceptives and voluntary sterilization. These have resulted in an overall reduction in the number of abortions nationwide: 19.6 of every 100 women of reproductive age in 1997, compared with 48.2 in 1992. Unfortunately, up to 20 per cent of maternal mortality is attributable to septicaemia after abortion. Complaints about deaths of women from these causes are considered by a special commission of the Ministry of Health. If they are found to be justified, administrative measures are taken to punish the medical worker responsible. The number of illegal abortions has gone down to one or two a year in recent years.

The Labour Code (art. 116) sets out penalties for illegal abortion, indicating that illegal abortion carried out by an individual with an advanced medical degree is punishable by a fine equivalent to 50 to 100 times the minimum monthly wage. Illegal abortion carried out by an individual who does not have an advanced medical degree is punishable by a fine equivalent to 150 to 200 times the minimum monthly wage. If abortion is practised repeatedly, this is punishable by arrest for four to six months or by imprisonment for up to three years. If, through negligence, the act has resulted in death or serious injury, it is punishable by imprisonment for two to five years.

| | 1994 | 1995 | 1996 |
|---|---|---|---|
| Illegal abortion | 2 | 7 | 1 |

Abortions and births in the Kyrgyz Republic

| Year | Total, in thousands | | For every 1,000 women aged 15-49 | | Abortions per 100 births (including stillbirths) |
|---|---|---|---|---|---|
| | Abortions | Births (including stillbirths) | Abortions | Births (including stillbirths) | |
| 1994 | 31.4 | 120.9 | 29.1 | 112.1 | 26.0 |
| 1995 | 27.1 | 117.5 | 25.1 | 108.9 | 23.1 |
| 1996 | 24.2 | 111.3 | 21.3 | 97.9 | 21.7 |

136. There is a broad network of family planning (reproductive health) institutions within the health care system. In addition to medical staff trained under the family planning programme, staff specializing in social protection and family planning are employed in the various reproductive health and medical institutions in rural areas. Family planning offices are envisaged in outpatient departments for women at the district level. In regional health care centres there are units for counselling on marriage and the family, and at the national level there are centres on human reproduction and the outpatient department for marriage and the family within the scientific research institute on midwifery and paediatrics. Certain types of services for the protection of reproductive health are provided by these institutions against partial payment (except for impoverished families): these include donor insemination, therapeutic abortion and some treatments for gynaecological diseases. Reproductive health policy is aimed at maintaining optimal birth intervals of 2.5 to 3 years.

The relative health quotient among women and children is only 25 per cent. In absolute terms, women number 2,000,000 and children under 14, 1,700,000. The infant morality rate was 26.5 per 1,000 live births in 1996 and 26.6 per 1,000 in 1997. The maternal mortality rate was 66.6 per 1,000 live births in 1996 and 74.1 per 1,000 in 1997. In absolute terms, the number of deaths every year is around 3,000 infants (under one year) and 70 to 80 women during pregnancy, childbirth and recovery (42 days after birth). Close to 110,000 infants are born every year.

137. Under article 28 of the Constitution of the Kyrgyz Republic, citizens of the Kyrgyz Republic are entitled to all forms of labour protection and to working conditions that comply with security and hygiene standards. Under article 281 of the Labour Code of the Kyrgyz Republic, the employer is obliged to create safe and healthy working conditions and to introduce resources and technology to ensure compliance with hygiene, sanitation and labour protection standards. This subject is covered by a separate law of the Kyrgyz Republic on labour protection, article 1 of which stipulates that citizens of the Kyrgyz Republic are entitled to labour protection and to protection of their life and health during work.

In the former USSR and at present, such cases were and are not covered by insurance, but according to the above-mentioned government decree, in the event of temporary work incapacity on these grounds, a payment is made by the employer in the amount of 100 per cent pending recovery of health or determination of category of disability.

Upon determination of the category of disability, the individual receives a lump sum payment from the employer in the following amounts: three times the average annual wage for disability group III; five times the average annual wage for disability group II; and 10 times the average annual wage for disability group I; in the event of death, 20 times the average annual wage is paid (the lump sum payments are outlined in the Civil Code and in the labour protection law).

A law on compulsory insurance against work accidents and occupational diseases is expected to be adopted in 1998.

Work accidents - number of women suffering loss of work capacity
(by region and number)

| | 1993 | 1994 | 1995 | 1996 |
|---|---|---|---|---|
| Kyrgyz Republic | 417 | 254 | 182 | 112 |
| Jalal-Abad region | 17 | 8 | 6 | 15 |
| Issyk-Kul region | 11 | 10 | 4 | 3 |
| Naryn region | 2 | 2 | 29 | - |
| Osh region | 100 | 69 | 5 | 9 |
| Talas region | - | - | 5 | - |
| Chu region | 156 | 82 | 55 | 42 |
| City of Bishkek | 131 | 83 | 78 | 43 |

Ratio of women to persons working in unsatisfactory conditions
in various industrial branches

| | 1994 | 1995 | 1996 |
|---|---|---|---|
| Industry: | | | |
| Women employed | 10 634 | 4 827 | 11 000 |
| % of total | 38.5 | 29.3 | 41.0 |
| Construction: | | | |
| Women employed | 149 | 170 | 168 |
| % of total | 8.4 | 16.3 | 7.9 |
| Transport: | | | |
| Women employed | 392 | 339 | 635 |
| % of total | 16.6 | 22.7 | 17.7 |
| Communications: | | | |
| Women employed | 40 | 105 | 799 |
| % of total | 85.1 | 41.2 | 59.9 |

In 1997, 23 cases of occupational disease were reported, of which two were women (one with chronic brucellosis, the other with lead poisoning). Because many factories have closed, no occupational hazards related to industrial production have been recorded. Women refugees present a special problem, since their lack of permanent place of residence makes regular clinical care impossible. Care is provided on request. Where there is housing for women refugees, medical care is provided by local curative and treatment facilities.

138. The country is at a critical juncture in respect of substance abuse. Alcohol use has risen to 28 per cent in the past five years. The number of

persons officially registered as chronic alcoholics has increased to 25 per cent, drug addicts, to 35 per cent.

In 1996, a total of 3,109 cases were recorded, 188 of which were women; in 1997, 3,788 cases were recorded, 228 of which were women.

Figures on casual drug users are as fcllows: in 1996, 2,445 in all, of which 75 were women; in 1997, 2,929 in all, of which 123 were women.

In response to the increase in drug abuse in the Republic, a State programme was adopted to intensify efforts to combat drug abuse and illicit drug trafficking for the period 1998-2000. On the basis of this programme, measures have been developed to identify and treat drug abusers.

According to specialists, however, the number of people who need help is actually 10 to 15 times greater.

The nationwide figures on drug abuse among women in the past three years are as follows.

In 1995, women accounted for 5.2 per cent (120) of the total registered cases of drug abuse (2,330).

In 1996, 6.1 per cent (188 out of a total 3,108).

In 1997, 5.9 per cent (228 out of a total 3,811).

The number of women who are casual drug users is also steadily rising.

In 1995, 39 women (2 per cent) were registered as using drugs without signs of dependency, out of a total of 2,012 registered as casual drug users.

In 1996, 26 women (3.4 per cent) were registered out of a total 765.

In 1997, 123 women (4.2 per cent) were registered out of a total 2,899.

Drugs invariably destroy the fabric and functioning of the family. Their use by women leads to spousal discord and chronic psychological stress for all members of the family, especially children. Children in such families are not given the necessary skills, instruction and assistance and are deprived of maternal concern and love. They are often inclined towards antisocial behaviour and are incapable of forming a family and raising healthy offspring.

The trend towards increased demand for drugs and the rise in drug addiction represents a serious threat to the country's gene pool and causes irretrievable loss of human resources.

In view of the problem's importance, and in order to counteract the growth of drug use among the population, including women, the system for provision of assistance with regard to drug use and the technical equipment available to departments within narcotics services are to be improved and new preventive, treatment and rehabilitation programmes are to be introduced.

The Kyrgyz Republic has institutions for the specialized treatment of substance abusers, irrespective of their sex.

These institutions include a national narcotics centre, four regional narcotics clinics, three preventive and consultative centres for adolescents (in Bishkek and the Osh and Issyk-Kul regions), 49 physicians' consultancies and four consultancies for adolescent drug addicts. The hospital facilities for such treatment include 339 beds, the occupancy rate of which is 0.7 per 10,000 population.

Provision has been made for a staff of 129 psychiatrists/narcotics specialists; 114 posts have been filled by 84 persons. The ratio of physicians is 0.3 per 10,000 population. Four physicians are studying in the narcotics institute, and since 1996, four physicians have been in charge of the clinical narcotics wards.

The centralized narcotics administration coordinates the provision of specialized curative and treatment services to the population on the basis of unified facilities and requirements, while organizational and methodological work and the training of highly skilled specialists is the responsibility of the national narcotics centre.

The planning of clinical tests and the introduction of new treatment techniques and medication for the treatment of drug addicts are carried out by the units of the national narcotics centre.

An informational and analytical section has been incorporated in the national narcotics centre in order to study the experience gained in the near and far abroad for subsequent adaptation to conditions in Kyrgyzstan and use in the Republic's narcotics institutions and to examine and assess the magnitude and causes of the problem of drug addiction, develop appropriate measures to reduce drug use and organize extensive efforts to inform the public about the pernicious consequences of abuse of narcotics and of other psychotropic substances.

The network of confidential consultancies in narcotics institutions has been expanded for the purpose of attracting the greatest possible quantity of drug addicts and giving them a choice of physician. Priority is given to outpatient treatment, day treatment in hospitals and detoxification facilities, with heavy reliance on non-traditional psychotherapeutic and psychopharmacological techniques.

Proposals for humanitarian and charitable works are also being developed for grant programmes. Contact is being stepped up with social foundations and organizations such as Parents against Drugs, Mothers against Drugs and Centres for Women's Initiatives.

While earlier efforts were aimed at results in the future, the objective now is the medical and social rehabilitation of drug abusers.

Units for the medical and social rehabilitation of adolescent and adult drug abusers (both male and female) are to be opened where none existed before,

making it possible to increase the number of cases in remission and the longevity and validity of that process.

These units will need to be staffed not only by highly skilled psychiatrists and narcotics specialists but also by psychologists, lawyers and social workers. It is also projected that, under a special programme, former drug addicts will be trained to perform such functions.

In order to set up these units (centres) for the medical and social rehabilitation of drug abusers, the necessary resources must be allocated for operations, provision to the units of the necessary equipment and supplies and payment of staff salaries.

The very poor technological equipment available today in all subdivisions of narcotics services today makes it impossible to carry out the full range of preventive activities and to supply these units with informational and methodological materials. The lack of specialized equipment makes it impossible to guarantee that treatment and rehabilitation in line with contemporary standards can be provided in a timely and qualitative fashion.

Most treatment and rehabilitation programmes include medical observation of drug abusers. Their reintegration into society is severely complicated by the State's difficult social and economic position and the high rate of unemployment.

Article 13

139. Article 1 of the law on State financial assistance to families with children lists the following forms of assistance for such families:

- maternity allowances (art. 3);
- lump sum payments on the birth of a child (art. 3);
- child care allowances (art. b);
- dependent's allowances (art. 7);
- allowances for care of sick children (art. 8);
- allowances for children of single mothers (art. 9);
- allowances for children of short-term military recruits (art. 10);
- allowances for guardianship (foster parenting) (art. 11);
- allowances for minors whose parents refuse to make maintenance payments (art. 12).

Under Presidential Decree No. 346 of 23 December 1994, however, the payment of the following allowances has been curtailed as from 1 January 1995:

- lump sum payments on the birth of a child;

- allowances for care of sick children;

- dependent's allowances;

- allowances for children of single mothers;

- allowances for children of short-term military recruits;

- allowances for guardianship (foster parenting);

- allowances for minors whose parents refuse to make maintenance payments.

On 11 February 1998, the Legislative Assembly of the Zhogorku Kenesh adopted a law on State financial assistance which will enter into force on 1 May 1998. This law envisages the following forms of State financial assistance:

- a monthly lump sum payment;

- a monthly social welfare payment;

- a lump sum payment on the birth of a child;

- allowances to mothers after multiple births;

- allowances to unemployed mothers of children under 18 months.

State social protection for single mothers is provided on a strictly confidential basis and in the context of monthly allowances for impoverished families and citizens. Children disabled since childhood and those who no longer have a provider also receive State pensions and loss-of-provider pensions.

In accordance with Presidential Decree No. 346 of 23 December 1994 on the monthly lump sum allowance for impoverished families and citizens, from 1 January 1995 to the present, impoverished partial families (single mothers) have received a monthly lump sum allowance if the family's average per capita income does not exceed the established minimum wage. In 1997, 23,959 partial families (single mothers) received this monthly lump sum allowance.

In accordance with Zhogorku Kenesh Regulation No. 1471-XII of 13 April 1994 on the procedure for implementation of the law on pensions for citizens of the Kyrgyz Republic, State pensions were allocated and paid to 10,100 children under 16 disabled from childhood and to 1,420 children deprived of their providers, as well as to heroine-mothers.

Of course, the allowances are not large enough to meet all the needs of impoverished families.

In order to provide social support for such families, Government Regulation No. 150 of 8 April 1996 gives a 25 per cent discount on the cost of electricity and heating to unemployed persons receiving loss-of-provider pensions. Under Government Regulation No. 236 of 2 May 1997, families of disabled children under 16 and families receiving State financial assistance receive discounts of 40 per cent and 30 per cent, respectively, on the cost of gas. These concessions are provided in accordance with established consumer standards.

Government Regulation No. 268 of 6 May 1997 approved the resolution on the procedure for according concessionr to individuals decorated with State honours which introduced concessions for persons decorated with the order of "Batyr ene" (heroine-mother).

At the local level, impoverished partial families are given priority in the provision of supplementary assistance out of the local budget and the humanitarian aid received by the Kyrgyz Republic.

On 10 December 1997, an agreement was signed between the State Committee on the Family, Women and Youth and the director of the regional bureau for Central Asia and the Caucasus of the "Counterpart" agency of the United States of America on the provision to Kyrgyzstan of humanitarian aid equivalent to $US 2,500,000 in the form of warm clothing and footwear. This humanitarian act, known as the "Gift of the People", was intended for boardinghouses, refugees, elderly peoples' homes, boarding schools and specialized institutions. The humanitarian aid was delivered and distributed in the Osh, Jalal-Abad, Chu, Issyk-Kul and Talas regions of Kyrgyzstan. The recipients were socially vulnerable groups of the population, large families and orphans. The State Committee on the Family, Women and Youth is currently considering other proposals for the provision of humanitarian aid to Kyrgyzstan from international governmental and non-governmental organizations.

140. In implementation of the strategy for reorganization of the financial and banking sector under the FINSAC programme, a series of legislative acts regulating the activities of financial and loan institutions has been adopted. New versions of the laws on the national bank and on banks and banking activity based on legal principles of banking organization have been adopted.

In terms of the development of specialized, non-banking financial institutions, efforts are being made to set up credit unions in order to provide a separate form of banking services, including in rural areas. A pilot project of the Asian Development Bank has facilitated the establishment of experimental credit unions, with encouraging results. Credit unions contribute to the people's independence by disseminating credit resources and ensure effective control of the subscription and repayment of loans and free access of the population to financial resources using simplified procedures.

Preparations are now under way in the Kyrgyz Republic for the creation of credit houses for women for investments and loans on preferential terms and support to women entrepreneurs.

Women are accorded equal rights in terms of legal capacity (Civil Code, sect. 1, art. 52) and civil responsibility (Civil Code, sect. 3, art. 56). Accordingly, they have equal rights to loans and other forms of financial credit. In Kyrgyz families, women do not need the consent of their father or husband to receive credits and loans.

141. According to article 16 of the Constitution of the Kyrgyz Republic, everyone has the right to freedom of personal development. Citizens have the right to enjoy cultural values and to engage in artistic and scientific activity (Constitution, art. 36). These rights are enjoyed equally by men and women, and accordingly, no one may be subjected to discrimination of any kind or to infringement of his or her rights on grounds of sex (Constitution, art. 15). Women in Kyrgyzstan can not only take part but also take leading roles in sports and cultural activities.

Women participate freely in all forms of sports and, in particular, in the following: basketball, handball, soccer, tennis, chess, acrobatics, judo, callisthenics and gymnastics, skiing, rowing, horseback riding, track and field, swimming, modern pentathlon, archery and Eastern and national sports (kyz-kumai, toguz-korgol).

Wrestling for women has been included in the programme for the twenty-seventh Olympic Games and the thirteenth Asian Games (Bangkok, 1998).

The approximate numbers of men and women in all types of sports is 179,926 total, of which 87,800 are women.

Article 14

142. The agrarian nature of Kyrgyzstan's economy throughout its history has led to extensive involvement of women in agriculture. Of the total number of individuals working in agriculture, 36.1 per cent are women. According to figures from the National Statistics Committee, the relative proportions of men and women in urban and rural areas are as follows:

| Urban population | 1994 | 1995 | 1996 | 1997 |
|---|---|---|---|---|
| Both sexes | 1 572.1 | 1 558.2 | 1 562.4 | 1 568.3 |
| Men | 754.1 | 784.9 | 751.3 | 754.2 |
| % of total | 48.0 | 48.1 | 48.1 | 48.1 |
| Women | 818.0 | 809.3 | 811.1 | 814.1 |
| % of total | 52.0 | 51.9 | 51.9 | 51.9 |
| Rural population Both sexes | 2 857.8 | 2 892.5 | 2 950.0 | 3 005.8 |
| Men | 1 430.5 | 1 444.8 | 1 475.3 | 1 504.0 |
| % of total | 50.1 | 49.9 | 50.0 | 50.0 |
| Women | 1 427.3 | 1 447.7 | 1 474.7 | 1 501.8 |
| % of total | 49.9 | 50.1 | 50.0 | 50.0 |

| Year | Both sexes | By sex: | |
|---|---|---|---|
| | | Men | Women |
| 1994 | 66.0 | 61.6 | 70.7 |
| 1995 | 66.0 | 61.4 | 70.4 |
| 1996 | 66.6 | 62.3 | 71.0 |

A substantial portion of women in Kyrgyzstan has worked and continues to work on the cultivation, harvesting and processing of tobacco. In doing this work, women of reproductive age are subjected to toxic influences resulting in chronic poisoning and infection of various bodily organs and systems. This accounts for the high incidence among women harvesters of toxaemia in late pregnancy and the growing number of infants with low birth weight and hypertonia.

Women stock herders suffer the adverse effects of extremely severe climatic and geographical conditions. This causes a reduction in their life expectancy, physical deterioration at an early age, frequent pathologies and high rates of infant morbidity and mortality. The current job deficit in rural areas is felt most intensively by women. The selling off of collective farms, privatization of collective farm property and closing of social and cultural establishments in rural areas have left a large number of women jobless. Officially, however, they are not unemployed, because they are unaware of the existence of employment services and unemployment grants.

The situation of these women and their families is exacerbated by the lack of infrastructure and markets for sales of agricultural products, an increase in domestic violence, increased alcoholism among women and the obligation to work in hazardous conditions (high altitudes, tobacco farming).

Specialists on the family, women and young people are part of the State administration in the six regions. On the initiative of the State Committee on the Family, Women and Youth, regional Centres for Women's Initiatives have been set up and are operating in all six regions in order to deal with the problems of women and families in rural areas. At the State Committee's instigation, schools for women farmers have been opened in all the regional women's initiatives centres so that women can acquire the necessary know-how, consult specialists and make contacts. With a view to resolving the problems of rural women, a special section on rural women has been incorporated in the national programme "Ayalzat": it includes measures to provide small loans so that women can start up income-generating activities, to cope with unemployment, to train women farmers and to improve women's economic and legal knowledge.

The Government of the Kyrgyz Republic and UNDP have signed a project to support the development of the potential of women's organizations under which UNDP, through the office on women and development, has provided grants to women's non-governmental organizations.

143. Women have been deprived of agricultural technology in the land privatization process. Rural women engage in heavy physical labour and care of children. A new phenomenon of women farmers is emerging as part of small- and medium-scale enterprise. Most families with numerous children live in rural areas and owing to lack of resources, many children are compelled to leave school. Those who do complete their schooling in rural areas have little chance of continuing their studies at higher educational institutions. This could soon lead to a reduction in levels of learning and of participation of women in production, education and health care in rural areas.

Throughout the country, the number of women agricultural specialists who hold managerial posts is also diminishing.

144. A law on State guarantees and compensation for individuals living and working in high altitudes has been adopted. There is a government regulation on the programme of State support in 1997-1998 for high altitude and remote areas of the Kyrgyz Republic (No. 307 of 28 May 1997). There is a government regulation on provision of State support to individuals living and working in high altitudes and remote areas of the Kyrgyz Republic (No. 377 of 25 June 1997).

The Ministry of Justice has now elaborated draft legislation on remote regions and regions with rigorous climatic conditions which establishes the basis for State regulation of the economic, social, ecological and cultural development of such regions and is intended to create favourable conditions for productive economic activity, rational use of natural resources, preservation of the environment, provision of suitable living conditions for the population and progressive development of these regions.

The State regulation envisaged is differentiated according to geographical areas and economic branches and is governed by government priorities, natural and climatic conditions and economic and social development levels.

145. Women's employment has shot upwards compared with 1996, as government statistics show. The ratio of women to the total number of unemployed persons registered in the Kyrgyz Republic remained stable for the entire year at 58 per cent (31,900). At the end of 1997, the proportion of women in the total number of the unemployed compared with 1996 was as follows according to region: Bishkek - 63.9 per cent (63.7 per cent); Jalal-Abad - 57 per cent (54.3 per cent); Issyk-Kul - 62 per cent (62.5 per cent); Naryn - 48.8 per cent (49.5 per cent); Osh - 49.1 per cent (45.4 per cent); Talas - 52.2 per cent (52.9 per cent); and Chu - 69.6 per cent (70.8 per cent). Analysis of these figures shows that the highest proportions of women unemployed were found in the Chu and Issyl-Kul regions and in Bishkek. Unemployment of women is closely linked to the fact that the closure and restructuring of industrial enterprises have caused many workers to be dismissed, and women were the prime candidates for dismissal. In 1996, 7,375 women were hired, but the figure went up to 12,591 in 1997.

In order to enhance women's role in the country's agricultural economy and in view of the fact that they play a major role in providing for the material well-being of their families, the Ministry of Agriculture and Water Resources

is taking the necessary steps to ensure that the Convention is applied to women living in rural areas.

Over 46 per cent of women are employed in agriculture in the Kyrgyz Republic.

The reform of the agroindustrial complex as a whole, the restructuring of collective farms and State farms and the closure of social and cultural institutions in rural areas has had a very adverse impact on the employment of women. Consequently, stress is being laid on their recruitment for the newly created private business institutions.

The Government is carrying out a project (World Bank) to support socially disadvantaged sectors of the population on the basis of their own initiatives: the "Kol-Kabysh" pilot and demonstration project, which is aimed at protecting socially vulnerable sectors, involving them in enterprise and developing production and finance infrastructure in rural areas.

There are a number of projects for support of rural women aimed at the following:

- opening up the access of women to new agricultural technology, giving training and providing information services;

- setting up agricultural programmes in all regions;

- expanding women's income-generating opportunities and ensuring their access to agricultural loans and technical assistance;

- guaranteeing the legal and social status of rural women entrepreneurs;

- protecting local commodity output and the service sector and giving women the opportunity to participate actively in these spheres;

- setting up an association of rural women capable of lobbying on women's issues at the government level.

146. The 354 collective enterprises that have been restructured have been made into 24,225 peasant holdings and 14,449 farms in the Kyrgyz Republic. The directors of 159 farms are women.

The total number of women directors of agricultural enterprises and institutions is 401 - 15 per cent.

Shares of land have been given to 1,492,000 individuals throughout the Republic and 567,000 are women, representing 37.9 per cent of the total.

Broken down by region, the situation is as follows:

| | Total recipients of shares of land, in thousands | Women | % |
|---|---|---|---|
| Jalal-Abad | 264.5 | 119.5 | 45.1 |
| Issyk-Kul | 200.5 | 92.4 | 46.0 |
| Naryn | 74.4 | 31.7 | 42.6 |
| Osh | 799.2 | 261.1 | 32.6 |
| Talas | 127.5 | 53.2 | 41.7 |
| Chu | 25.7 | 9.1 | 35.4 |
| Total | 1 492 | 567 | 37.9 |

The Ministry of Agriculture and Water Resources concerns itself constantly with women who head peasant farms, where possible giving them commercial and other credits. In 1996, five tractors were allocated through the Women's Congress of Kyrgyzstan as part of an initial grant from the Japanese Government, and six tractors were provided by the humanitarian foundation "Meer", for sale to women farmers.

Women peasants have received tractors on preferential terms, that is, they pay back 50 per cent of the cost over two years. They also receive artificial fertilizer and chemicals, fuel and lubricants, seeds, spare parts for agricultural equipment and other items through loans from rural credit cooperatives.

Priority is given to women peasants in the provision of assistance in developing business projects for loans through foreign and international credit lines for the expansion of their production.

Growing attention has been given in recent years to development of the processing branch in agriculture, and this has promoted the effective use of women's labour in rural areas.

In December 1996, construction was begun on a cheese-making plant in the Tyup district of Issyk-Kul region, with the technical assistance of the Swiss Government. Nearly 30 jobs were created, 20 of which were filled by women.

An interest-free State loan of 200,000,000 som was allocated to the food and food processing industries under Decree No. 50 of 1 February 1997 as part of Government support for existing and the creation of new enterprises.

Implementation of this decree will increase the number of new jobs, including for women, since it is mainly women who work in the food and food processing industries.

Eight sets of light equipment for pasta and bakery goods production were purchased in late 1996 from Austria using credits from the Japanese Government. They are currently being sold to peasant and other farms. Their use will create 50 new jobs, about 70 per cent of which will be taken by women.

From 1996 to 1997, 125 out of 159 women farmers, or 78.6 per cent, received major support in the form of loans:

- Of the 97 tractors allocated countrywide by the Ministry of Agriculture and Water Resources, 17 went to women farmers;

- The Kyrgyz-American Commission set aside loans for 1,032 businesses, including 28 headed by women;

- The International Charity Corps gave 78 women farmers commercial credits on preferential terms in the form of fertilizer, seeds, fuel and lubricants.

Article 15

147. The Constitution of the Kyrgyz Republic (Part III, art. 15) states that all persons are equal before the law and the courts. Legal proceedings are carried out on the basis of equality of all citizens, irrespective of sex, before the law and the courts (Code of Criminal Procedure, art. 15, Code of Civil Procedure, art. b).

Women have the same property rights as men (Marriage and Family Code, art. 3).

According to article 23 of the Marriage and Family Code, property acquired by the spouses during marriage is owned jointly by them. Spouses have equal rights to possess, use and dispose of such property. Spouses enjoy equal rights to property even if one of them is running the household or looking after children or has no independent income for other compelling reasons.

Analysis of the legislation in force shows that, because they have equal rights as citizens, women have the constitutional right to have recourse to the courts and law enforcement agencies for the defence of their rights and freedoms.

Civil legislation places no restrictions on the right of women to engage in civil proceedings as envisaged by the law, including to hold the rights and responsibilities of the parties to an agreement (contract).

The legislation on court proceedings gives women rights and obligations to participate in a trial equivalent to those of men, including to give evidence having full legal force. Women with an advanced degree in the law are also free to exercise their constitutional right to freedom of employment and free choice of job by becoming lawyers and judges.

148. Women are accorded identical legal capacity and responsibility in the civil sphere (Civil Code sect. 1, art. 52). Accordingly, equal rights are

ensured in the conclusion of contracts and other transactions, the administration of property and the provision of loans and other forms of financial credit.

149. Under the Constitution of the Kyrgyz Republic, everyone has the right to freedom of movement and free choice of residence and domicile (Part II, art. 16). Under the passport regulations, citizens of the Kyrgyz Republic are guaranteed the observance of their rights to freedom of movement, free choice of residence throughout the territory of the Kyrgyz Republic and freedom to leave its boundaries and return without obstruction. A citizen may not be deprived arbitrarily of the right to freedom of movement and free choice of residence. Limitation of this right is permissible solely in the interests of State security and the preservation of public order (passport regulations, para. 19).

Article 16

150. According to the Marriage and Family Code, women and men in conjugal relations have equal personal and property rights (art. 3). No direct or indirect restriction of rights or direct or indirect disposition of property upon entry into marriage or conjugal relations is permitted on grounds of sex (art. 4).

According to the legislation of the Kyrgyz Republic, a marriage concluded against the will of one of the spouses may be declared null and void by the courts (Marriage and Family Code, art. 58). The Criminal Code sets out penalties for forcing women to enter into marriage or for preventing marriage (art. 155).

151. The Criminal Code sets out penalties for entering into de facto conjugal relations with individuals under the marriageable age (art. 154).

The family legislation fixes the marriageable age at 18. By decision of the local administration at the request of the parents, guardians or foster parents, this age may be lowered by one year for women who are already living in de facto conjugal relations, are expecting a child or already have a child.

The civil legislation provides for the possibility of emancipation in that a minor having reached 16 years of age may be declared to have reached the age of legal majority if he or she is working under a labour contract or, with the consent of the parents (foster parents or guardians), is engaging in entrepreneurial activity.

In this way, a person aged 16 can acquire full-fledged legal majority and can enter into marriage.

152. The traditions of betrothal and the provision of dowries have been preserved and are growing stronger and stronger.

These customs and traditions are susceptible to modification. Betrothal occurs most frequently in the southern part of the Kyrgyz Republic. The provision of dowries is an important condition for the marriage of girls, and

the size of the dowry (although variable depending on social status) is tending to increase in both quantitative and qualitative terms (housing, other real estate).

153. The legislation of the Kyrgyz Republic provides for equality of personal rights and duties between spouses (Family and Marriage Code, art. 22). Spouses have the right to choose a family name (Family and Marriage Code, art. 21) and to choose their profession and occupation (Family and Marriage Code, Part IV, art. 22).

Spouses have equal rights in the ownership, acquisition, administration, enjoyment and disposition of both personal property (art. 28) and jointly owned property (art. 23). The Family and Marriage Code provides for equality of the spouses' rights to property if one of them was running the household or looking after children or had no independent income for other compelling reasons (Part II, art. 23).

With a view to further expansion of legal regulations in this area, and in the light of international practice, the proposed new Family Code incorporates a new conception of the contractual regime governing spousal property and of the marriage contract (Chapter 8).

The Family and Marriage Code envisages equality of rights and duties of parents in the sense that the father and mother have equal rights and duties in respect of their children. They enjoy equal rights and bear equal responsibilities as parents in the event that their marriage is dissolved (Family and Marriage Code, art. 74).

In accordance with the Convention on the Elimination of All Forms of Discrimination against Women, matters relating to the education of children are decided jointly by mutual consent between the spouses (Family and Marriage Code, Part II, art. 22). Women enjoy the right freely to decide for themselves whether to have children (law on protection of the health of the Kyrgyz people, art. 20).

154. In the transitional period, family and marriage relations have been transformed: the family's prestige and authority and the significance of its place in society have diminished. This has led to a drop in the family's standards of living and to an increase in criminality among women and children. The State Committee on the Family, Women and Youth has elaborated a project to raise the family's prestige, strengthen its status, improve its physical and spiritual wellbeing, preserve the population's gene pool and revive positive national traditions with regard to the family and kinship.

155. Under the Labour Code, after a break in work service on account of maternity, working women, at their request, may be given leave to care for a child until the child reaches the age of three. In the event of the mother's death, withdrawal of her parental rights, prolonged institutional treatment or other causes specified in the Labour Code, such leave may be accorded to the father or another relative or caregiver instead of to the mother by decision of the child's family.

Short-term leave without pay is given to women with two or more children under the age of 14 and to women obliged to care for sick members of the family.

The rights and duties of husband and wife are valid from the time of registration of the marriage in the registry office. If the husband and wife are in de facto conjugal relations, recognition of such relations as lawful requires that the marriage be registered in the registry office. Failing this, the relations are not considered to be lawful relations between husband and wife and accordingly do not entail the rights and duties established for spouses.

156. Polygamy exists in practice and is tending to become even more widespread despite the penalties set out for it in the criminal legislation.

Both men and women have equal rights to instigate a marriage's dissolution, except where the wife is pregnant or the couple has a child under one year of age, in which case the husband cannot institute divorce proceedings without the consent of the wife. The divorce is registered with the registry office if there is mutual consent and there are no minor children and with the courts if there is a dispute between the spouses (Family and Marriage Code, art. 40).

An application for divorce must cover the distribution of joint property, the obligation to make maintenance payments (for the spouse and children) and the future residence of the children with one of the spouses. If the civil proceedings (including for divorce) are the subject of controversy, the parties themselves must decide on the distribution of property (not including the personal property of each spouse).

Under the family legislation and in established court practice, the share of each of the spouses in the joint property is deemed to be equal, but this may be modified in the light of a court decision on the spouse with which the children will reside.

After the marriage's dissolution, the wife has the right to retain the family name of the husband without asking his consent.

An attestation of dissolution of marriage is issued by the registry office on the basis of the court's decision, after which the wife may enter into a second marriage.

After a marriage is dissolved, women have the right to receive maintenance payments from their former spouses in the case of special needs, such as poverty and work incapacity. If the spouses were married for an extensive period, the court may decide to accord maintenance payments to the wife if her age incapacitates her for work within five years of the marriage's dissolution.

If the children remain with the father, the mother has the right to participate in their upbringing by mutual agreement between the parents.

In the event of a dispute or if no agreement is reached, the degree of the mother's participation in the lives of the children and their upbringing is decided by the court.

157. When inheritance proceedings are instituted, children born out of wedlock have the same legal status as children born of the marriage and included by the law among the primary inheritants. If the deceased is not indicated as the father in the attestation of divorce, however, paternity must be established under a special legal procedure. In the Kyrgyz Republic, religious marriage and de facto conjugal relations are not recognized for women who are cohabiting with a partner and living in a de facto family arrangement (husband, children). There are no legal consequences in the event of death for women whose relationship was not legitimized. To have property rights upon the death of a husband, one must be included in the will among the descendants. Individuals (who may include women) who during the life of the deceased had been maintained by him for at least a year have the right to a share in the inheritance. The amount of maintenance paid must have been the main (though not sole) source of the woman's subsistence, and cohabitation is not a requirement.

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